

EXHIBIT 53

Deposition of Michael Malone

Chicago Police Department Fingerprint Examiner

Taken November 9, 2021



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Transcript of Michael Malone

Date: November 9, 2021

Case: Ezell, et al. -v- City of Chicago, et al.

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Transcript of Michael Malone
Conducted on November 9, 2021

1 (1 to 4)

<p>1 IN THE UNITED STATES DISTRICT COURT 2 FOR THE NORTHERN DISTRICT OF ILLINOIS 3 EASTERN DIVISION 4 LASHAWN EZELL,) 5 Plaintiff, Case No. 18 CV 01049 6 vs.) 7 CITY OF CHICAGO, et al.,) 8 Defendants.) 9 ----- 10 LAROD STYLES, Case No. 18 CV 01053 11 Plaintiff, Consolidated with 12 vs. Ezell v City 13 CITY OF CHICAGO, et al. 18 CV 1049 14 Defendants,) 15 ----- 16 CHARLES JOHNSON, Case No. 18 CV 01062 17 Plaintiff, Consolidated with 18 vs. Ezell v City 19 CITY OF CHICAGO, et al. 18 CV 1049 20 Defendants,) 21 ----- 22 TROSHAWN MCCOY, Case No. 18 CV 01068 23 Plaintiff, Consolidated with 24 vs. Ezell v City 25 CITY OF CHICAGO, et al. 18 CV 1049 26 Defendants.)</p>	<p>1 REMOTE APPEARANCES: 2 LOEVY & LOEVY 3 BY: MS. KATIE ROCHE 4 311 North Aberdeen Street, 3rd Floor 5 Chicago, Illinois 60607 6 (312) 243-5900 7 Katie@loevy.com 8 Representing Lashawn Ezell & 9 Charles Johnson; 10 11 THE SOTOS LAW FIRM, P.C. 12 BY: MS. CARSON W. CANONIE 13 141 West Jackson Boulevard, Suite 1240 A 14 Chicago, Illinois 60604 15 (630) 735-3300 16 Ccanonie@sotoslaw.com 17 Representing the City of Chicago; 18 19 20 21 22 23 24</p>
<p>1 DEPOSITION OF MICHAEL MALONE 2 Conducted virtually 3 Tuesday, November 9, 2021 4 10:00 a.m. CST 5 6 (Proceedings ended at 2:18 p.m. CST) 7 Reporter: Angela C. Loisi, CSR, RPR, FCRR 8 License No.: 084-004571 9 APPEARING REMOTELY FROM COOK COUNTY, ILLINOIS 10 JOB NO. 406491 11 12 13 14 15 16 17 18 19 20 21 22 23 24</p>	<p>1 REMOTE APPEARANCES CONTINUED: 2 RODERICK & SOLANGE MacARTHUR JUSTICE CENTER 3 BY: MS. NOOR TARABISHY 4 MS. CZARINA MORGAN 5 MS. ALEXA VAN BRUNT 6 160 East Grand Avenue, 6th Floor 7 Chicago, Illinois 60611 8 (312) 503-1271 9 Noor.tarabishy@macarthurjustice.org 10 Representing Charles Johnson; 11 12 ERICKSON & OPPENHEIMER, LTD. 13 BY: MR. JON NEULEIB 14 223 West Jackson Boulevard, Suite 200 15 Chicago, Illinois 60606 16 (312) 327-3370 17 Jon@colawus.com 18 Representing Troshawn McCoy; 19 20 21 22 23 24</p>

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2 (5 to 8)

5	7
1 REMOTE APPEARANCES CONTINUED:	1 I N D E X
2 COTSIRILOS, TIGHE, STREICKER, POULOS &	2
3 CAMPBELL, LTD.	3 WITNESS: MICHAEL MALONE PAGE
4 BY: MR. MICHAEL MAIONE	4 Examination by Ms. Tarabishy 10
5 33 North Dearborn Street, Suite 600	5 Examination by Ms. Canonie 186
6 Chicago, Illinois 60602	6
7 (312) 263-0345	7 E X H I B I T S
8 Mmaione@cotsiriloslaw.com	8
9 Representing Larod Styles;	9 MICHAEL MALONE PAGE
10	10 Exhibit No. 336 148
11 ROCK FUSCO & CONNELLY, LLC	11
12 BY: MS. KATIE BARBER	12
13 321 North Clark Street	13
14 Chicago, Illinois 60654	14
15 (312) 494-1000	15
16 Cbarber@rfclaw.com	16
17 Representing Individual Defendant	17
18 Officers;	18
19	19
20	20
21	21
22	22
23	23
24	24
6	8
1 REMOTE APPEARANCES CONTINUED:	1 THE VIDEOGRAPHER: Here begins Disc
2 HINSHAW & CULBERTSON, LLP	2 Number 1 in the videotaped deposition of
3 BY: MS. ESTHER CHOI	3 Michael Malone in the matter of Ezell, et al.,
4 151 North Franklin Street, Suite 2500	4 v. City of Chicago, et al., in the United
5 Chicago, Illinois 60606	5 States District Court for the Northern
6 (312) 704-3000	6 District of Illinois Eastern Division.
7 Echoi@hinshawlaw.com	7 Case Number 18 CV 01049 consolidated
8 Representing Alesia.	8 with 18 CV 01053, and 18 CV 01062, and
9	9 18 CV 01068.
10	10 Today's date is November 9, 2021. The
11	11 time on the video monitor is 10:08. The
12	12 videographer today is Jodie Dineen,
13	13 representing Planet Depos. This video
14	14 deposition is taking place remotely.
15	15 Would counsel please identify
16	16 themselves and state whom they represent?
17	17 MS. TARABISHY: Noor Tarabishy for
18	18 Plaintiff Charles Johnson.
19	19 MS. VAN BRUNT: Alexa Van Brunt also
20	20 for Charles Johnson.
21	21 MS. ROCHE: Katie Roche on behalf of
22	22 Plaintiff Lashawn Ezell and Charles Johnson.
23	23 MR. NEULEIB: Jon Neuleib on behalf of
24	24 Plaintiff Troshawn McCoy.

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3 (9 to 12)

<p style="text-align: right;">9</p> <p>1 (Indiscernible simultaneous 2 colloquy.) 3 MR. MAIONE: Michael Maione on behalf 4 of Plaintiff Larod Styles. 5 MS. CANONIE: Carson Canonie on behalf 6 of Defendant City of Chicago. 7 MS. KATIE BARBER: Katie Barber for 8 the defendant officers. 9 MS. CHOI: Esther Choi for defendant 10 Alesia. 11 THE COURT REPORTER: And could you -- 12 THE VIDEOGRAPHER: The court -- 13 THE COURT REPORTER: -- raise your 14 right hand. 15 THE VIDEOGRAPHER: The court reporter 16 today is Angela Loisi representing Planet 17 Depos. Will the reporter please swear in the 18 witness? 19 (Witness sworn.) 20 WHEREUPON: 21 MICHAEL MALONE, 22 called as a witness herein, having been 23 first duly sworn, was examined and testified 24 as follows:</p> <p style="text-align: right;">10</p> <p>1 EXAMINATION 2 BY MS. TARABISHY: 3 Q. Good morning, Mr. Malone. My name is 4 Noor Tarabishy. I'm one of the plaintiffs 5 for -- I'm one of the attorneys for Plaintiff 6 Charles Johnson in this case. 7 Would you please state your name for 8 the record? 9 A. Michael Malone. 10 Q. Before we get started, I'd like to go 11 over some ground rules with you. You are 12 under oath today, just as if you were 13 testifying in court, but without the judge and 14 jury. Do you understand that? 15 A. Yes. 16 Q. We are conducting the deposition 17 remotely today. Do you understand that you 18 must still testify truthfully as if we were in 19 the same room? 20 A. Yes. 21 Q. We have a court reporter recording 22 this deposition, so you must answer questions 23 clearly and unambiguously as opposed to 24 nodding your head, nodding or shaking your</p>	<p style="text-align: right;">11</p> <p>1 head. Do you understand that? 2 A. Yes. 3 Q. Make sure you understand each question 4 before you answer. If you don't understand a 5 question I ask, please let me know and I'll 6 rephrase. If you answer, I will assume that 7 you understood my question, okay? 8 A. Yes, mm-hmm. 9 Q. And let me know if you're having 10 technical difficulties or having trouble 11 hearing me, okay? 12 A. Okay. 13 Q. Your attorney or other attorneys might 14 make objections. But as you can see, there's 15 no judge to rule on these objections. So 16 after pausing to let the objection get stated 17 for the record, you can go ahead and answer 18 the question, okay? 19 A. Okay. 20 Q. Let me know if you need a break at any 21 time, but we just can't take a break with a 22 question pending. 23 A. Okay. 24 Q. Are you under a doctor's care for any</p> <p style="text-align: right;">12</p> <p>1 illness that would affect your ability to 2 testify? 3 A. No. 4 Q. Are you taking any medications that 5 would affect your ability to testify? 6 A. No. 7 Q. Is there any reason whatsoever that 8 you cannot give full and accurate testimony 9 today? 10 A. No. 11 Q. Have you ever given a deposition 12 before? 13 A. Yes. 14 Q. How many times? 15 A. Once. 16 Q. And when was that? 17 A. Approximately 1994 or '95. I'm not 18 exactly sure. I can't recall exactly when. 19 Q. What was your involvement in that 20 case? 21 A. My wife at that time was -- was 22 employed by the Chicago Park District, and I 23 don't recall the -- the specifics of 24 why -- you know, what the case exactly</p>
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4 (13 to 16)

<p style="text-align: right;">13</p> <p>1 involved, but...</p> <p>2 Q. Were you a party to that lawsuit?</p> <p>3 A. No.</p> <p>4 Q. And you're being represented by an</p> <p>5 attorney today in this deposition; correct?</p> <p>6 A. Yes.</p> <p>7 Q. Who is that attorney?</p> <p>8 A. Carson Canonie.</p> <p>9 MS. CANONIE: Good job.</p> <p>10 BY MS. TARABISHY:</p> <p>11 Q. What, if anything, did you do to</p> <p>12 prepare for this deposition?</p> <p>13 A. I spoke with Ms. Canonie.</p> <p>14 Q. How many times?</p> <p>15 A. Twice.</p> <p>16 Q. How long was each meeting or call?</p> <p>17 A. Approximately two hours or so.</p> <p>18 Q. For each?</p> <p>19 A. Yes.</p> <p>20 Q. Who else was present?</p> <p>21 A. At the first one there were -- there</p> <p>22 was another person present, but I don't recall</p> <p>23 who.</p> <p>24 MS. CANONIE: I can -- it was Dan</p>	<p style="text-align: right;">15</p> <p>1 BY MS. TARABISHY:</p> <p>2 Q. The case that brings us here today on</p> <p>3 the matter of Charles Johnson, how well did</p> <p>4 you remember your involvement in Charles</p> <p>5 Johnson's postconviction fingerprint</p> <p>6 re-examination before you met with Ms. Canonie</p> <p>7 or reviewed the documents?</p> <p>8 MS. CANONIE: Objection; form,</p> <p>9 foundation.</p> <p>10 You can answer.</p> <p>11 THE WITNESS: I didn't remember much</p> <p>12 about it at all, other than I worked on the</p> <p>13 case.</p> <p>14 BY MS. TARABISHY:</p> <p>15 Q. And did your reviewing the documents</p> <p>16 help refresh your recollection as to the work</p> <p>17 that you did on the case?</p> <p>18 A. Yes.</p> <p>19 Q. What did you remember about the case</p> <p>20 before?</p> <p>21 I know you said it's not much, but</p> <p>22 what was your recollection about the case?</p> <p>23 MS. CANONIE: Objection; form.</p> <p>24 THE WITNESS: Just that I worked on</p>
<p style="text-align: right;">14</p> <p>1 McGinnis [phonetic] from our office.</p> <p>2 BY MS. TARABISHY:</p> <p>3 Q. And at the other?</p> <p>4 A. Just me and Ms. Canonie.</p> <p>5 Q. Did you review any documents to</p> <p>6 prepare?</p> <p>7 A. Yes, yes.</p> <p>8 Q. What were those documents?</p> <p>9 A. Those were exhibits of photos of</p> <p>10 latent impressions.</p> <p>11 Q. Did you author or sign any of those</p> <p>12 documents that you reviewed?</p> <p>13 A. I had markings on -- on some of them,</p> <p>14 yes.</p> <p>15 Q. Did you review any photographs?</p> <p>16 A. Yes.</p> <p>17 Q. Do you remember what those were?</p> <p>18 A. Photos of -- of latent impressions.</p> <p>19 Q. Any court documents or transcripts?</p> <p>20 A. No.</p> <p>21 Q. How well do you remember this case</p> <p>22 before you met with your attorney or reviewed</p> <p>23 the documents?</p> <p>24 MS. CANONIE: Objection; form.</p>	<p style="text-align: right;">16</p> <p>1 that particular case.</p> <p>2 BY MS. TARABISHY:</p> <p>3 Q. Did you discuss this lawsuit with</p> <p>4 anyone other than your attorneys?</p> <p>5 A. No.</p> <p>6 Q. Are you currently employed?</p> <p>7 A. Yes.</p> <p>8 Q. Where?</p> <p>9 A. City of Chicago Police Department.</p> <p>10 Q. And what is your job title?</p> <p>11 A. Fingerprint technician.</p> <p>12 Q. The same position that you held in</p> <p>13 2009?</p> <p>14 A. No.</p> <p>15 Q. So what are your current job duties?</p> <p>16 A. Basically to compare the prints</p> <p>17 of -- from subjects who are booked in the</p> <p>18 various Chicago police district lockups, and</p> <p>19 compare their prints through the -- in the</p> <p>20 AFIS system as to -- as to prints that the</p> <p>21 AFIS system generates to compare those prints</p> <p>22 as to whether that subject has or has not been</p> <p>23 arrested based on his fingerprints.</p> <p>24 Q. And how does that differ from the</p>

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5 (17 to 20)

17	<p>1 position that you held in 2009?</p> <p>2 What was your position in 2009?</p> <p>3 MS. CANONIE: Objection; form.</p> <p>4 You can answer.</p> <p>5 THE WITNESS: I was a latent print</p> <p>6 examiner at that time, and I compared</p> <p>7 fingerprints, latent prints</p> <p>8 for -- from -- as -- which was evidence from</p> <p>9 crime scenes to prints of the fingerprint</p> <p>10 cards of suspects and/or submitted the</p> <p>11 fingerprints to AFIS, and compared the AFIS</p> <p>12 candidate list to the unknown fingerprints.</p> <p>13 THE COURT REPORTER: I'm sorry. Are</p> <p>14 you saying "AFIS"?</p> <p>15 THE WITNESS: I'm sorry?</p> <p>16 THE COURT REPORTER: Are you saying</p> <p>17 AFIS, fingerprints to AFIS?</p> <p>18 THE WITNESS: AFIS, yes.</p> <p>19 BY MS. TARABISHY:</p> <p>20 Q. AFIS, A-I- -- A-F-I-S --</p> <p>21 A. Yes.</p> <p>22 Q. -- correct?</p> <p>23 A. Yes.</p> <p>24 Q. And in your current position, you are</p>	19
18	<p>1 not comparing prints recovered from a crime</p> <p>2 scene to known standards or entering them</p> <p>3 through AFIS. Did I understand that</p> <p>4 correctly?</p> <p>5 MS. CANONIE: Objection; form.</p> <p>6 BY MS. TARABISHY:</p> <p>7 Q. You can go ahead and answer.</p> <p>8 A. Yes, that's correct. Yes.</p> <p>9 Q. What year -- you previous -- you're</p> <p>10 still working for the Chicago Police</p> <p>11 Department; correct?</p> <p>12 A. Yes.</p> <p>13 Q. What year did you join?</p> <p>14 A. Well, I originally, as a latent print</p> <p>15 examiner, I retired from that job in 2019.</p> <p>16 And then I was just recently reemployed in</p> <p>17 September of this year. So...</p> <p>18 Q. What year did you originally join the</p> <p>19 Chicago Police Department the first time you</p> <p>20 were employed by the City of Chicago?</p> <p>21 A. Yes, 1991.</p> <p>22 Q. Can you walk us through the different</p> <p>23 positions that you held at the Chicago Police</p> <p>24 Department and the relative -- roughly the</p>	20

1 dates for each position?

2 **A. Upon employment I -- I entered the**

3 **police academy, and in May of 1991, and then**

4 **in approximate -- about October of 1991, I was**

5 **assigned to the 4th District for field**

6 **training, was a field training officer. And I**

7 **was in the 4th District in patrol until**

8 **approximately sometime in 1992 where I was**

9 **transferred to the 22nd District, and I**

10 **remained in the 22nd District in patrol and**

11 **the gang tactical unit until 2002 when I**

12 **joined the -- the latent print unit, and I**

13 **remained there until I retired in -- yes,**

14 **2019, January.**

15 Q. Why did you retire in 2019 from the

16 latent print unit?

17 MS. CANONIE: Objection; form.

18 THE WITNESS: Oh, yeah, I was just

19 ready to retire.

20 BY MS. TARABISHY:

21 Q. Why did you come back in September

22 of 2021?

23 **A. Oh, I just happened to hear about the**

24 **availability of the job, which -- which is,**

1 **you know, somewhat similar to the job that I**

2 **had before involving comparison of**

3 **fingerprints. So I thought I'd be comfortable**

4 **doing it and just applied for it.**

5 Q. Did you receive any training prior to

6 becoming a latent print examiner?

7 **A. Yes.**

8 Q. What was that training?

9 MS. CANONIE: Objection; form.

10 You can answer.

11 THE WITNESS: I was trying to -- at

12 the Chicago police academy by a retired

13 fingerprint expert, or retired latent print

14 examiner who was considered a fingerprint

15 expert. And the pattern recognition,

16 fingerprint pattern-type recognition in the

17 analysis, and -- analysis of fingerprint,

18 comparison of fingerprints, and the valuation

19 of -- of fingerprints.

20 BY MS. TARABISHY:

21 Q. Who was the fingerprint expert that

22 you trained with?

23 **A. Beatrice Patterson was one of them,**

24 **and also, a John Lesniak.**

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6 (21 to 24)

21	<p>1 Q. How long was that training?</p> <p>2 A. Approximately three months.</p> <p>3 Q. And after the training concluded, did</p> <p>4 you then resume your position as a latent</p> <p>5 print examiner?</p> <p>6 MS. CANONIE: Objection; form.</p> <p>7 THE WITNESS: Yes.</p> <p>8 BY MS. TARABISHY:</p> <p>9 Q. Was there a period of time when you</p> <p>10 were working under supervision of a -- an</p> <p>11 experienced examiner and apprenticeship of</p> <p>12 type?</p> <p>13 A. Yes.</p> <p>14 Q. How long was that period?</p> <p>15 A. Approximately one year.</p> <p>16 Q. Did you have to take a test in order</p> <p>17 to become a latent print examiner?</p> <p>18 A. Yes.</p> <p>19 Q. Did you take that prior to starting</p> <p>20 the training or after you finished the</p> <p>21 training?</p> <p>22 A. No, prior to starting the training.</p> <p>23 Q. Can you describe that test?</p> <p>24 A. Yeah. They gave us a small study</p>	23	<p>1 tests, yes.</p> <p>2 BY MS. TARABISHY:</p> <p>3 Q. Was that a requirement in order to</p> <p>4 continue to hold your position as a latent</p> <p>5 print examiner?</p> <p>6 MS. CANONIE: Objection; form.</p> <p>7 BY MS. TARABISHY:</p> <p>8 Q. Were these required --</p> <p>9 A. Not to my knowledge.</p> <p>10 Q. Yes?</p> <p>11 A. Yes, yes, yes.</p> <p>12 Q. What did these proficiency tests look</p> <p>13 like?</p> <p>14 A. They were comparisons of latent prints</p> <p>15 to known prints.</p> <p>16 Q. Did you receive any training in the</p> <p>17 development of fingerprints?</p> <p>18 MS. CANONIE: Objection; form.</p> <p>19 THE WITNESS: No.</p> <p>20 BY MS. TARABISHY:</p> <p>21 Q. Are you familiar with different</p> <p>22 fingerprint development methods?</p> <p>23 MS. CANONIE: Objection; form.</p> <p>24 THE WITNESS: Somewhat, yes.</p>
22	<p>1 guide, and the test consisted of some history</p> <p>2 of fingerprints, some pattern type</p> <p>3 recognition, and some portion of -- of Henry</p> <p>4 Classification System.</p> <p>5 THE COURT REPORTER: I'm sorry. What</p> <p>6 was it, Henry classification?</p> <p>7 THE WITNESS: Yeah. The use of the</p> <p>8 Henry Classification System. That's about it</p> <p>9 that I recall.</p> <p>10 BY MS. TARABISHY:</p> <p>11 Q. And did you have to take a periodic</p> <p>12 proficiency test throughout your employment as</p> <p>13 a latent print examiner?</p> <p>14 MS. CANONIE: Objection; form,</p> <p>15 foundation.</p> <p>16 THE WITNESS: Could you repeat that</p> <p>17 one again?</p> <p>18 BY MS. TARABISHY:</p> <p>19 Q. Yes.</p> <p>20 Did you have to take any periodic</p> <p>21 examinations when you were a latent print</p> <p>22 examiner?</p> <p>23 MS. CANONIE: Objection; foundation.</p> <p>24 THE WITNESS: We took some proficiency</p>	24	<p>1 BY MS. TARABISHY:</p> <p>2 Q. Do you have any knowledge about which</p> <p>3 method is appropriate for certain surfaces?</p> <p>4 MS. CANONIE: Objection; form.</p> <p>5 THE WITNESS: That, I don't recall.</p> <p>6 BY MS. TARABISHY:</p> <p>7 Q. Have you received any type of</p> <p>8 certification as a latent print examiner?</p> <p>9 A. Yes.</p> <p>10 Q. What is that certification called?</p> <p>11 A. I was a certified latent print</p> <p>12 examiner, certified by the --</p> <p>13 Q. Go ahead. I'm sorry.</p> <p>14 A. Certified by the International</p> <p>15 Association For Identification.</p> <p>16 Q. When did you receive the</p> <p>17 certification?</p> <p>18 A. The first time, I can't recall</p> <p>19 exactly, but I believe it was 2013 maybe or</p> <p>20 2012, but I'm not -- you know, I'm not sure</p> <p>21 exactly.</p> <p>22 Q. Do you still hold that certification?</p> <p>23 A. Yes.</p> <p>24 Q. Did you have to take a test to get the</p>

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7 (25 to 28)

<p style="text-align: right;">25</p> <p>1 certification?</p> <p>2 A. Yes.</p> <p>3 Q. Was it -- was this a one-time test or</p> <p>4 something you needed to retake to maintain the</p> <p>5 certification?</p> <p>6 A. You take it the first time, and then</p> <p>7 to recertify you have to take it again after,</p> <p>8 I believe four or five years.</p> <p>9 Q. And what did that test look like?</p> <p>10 A. The original test consisted of</p> <p>11 questions about the history behind</p> <p>12 fingerprinting, the use of the Henry</p> <p>13 Classification System, pattern type</p> <p>14 recognition, and definitions of terms of -- in</p> <p>15 the latent field, latent print field, and</p> <p>16 comparisons of latent prints to known prints.</p> <p>17 Q. You mentioned the Henry Classification</p> <p>18 System. What is that?</p> <p>19 A. That is a form of classifying</p> <p>20 fingerprints to put them in an organized card</p> <p>21 filing system.</p> <p>22 Q. What was -- you said your job title in</p> <p>23 2009 was a latent print examiner; correct?</p> <p>24 A. Yes.</p>	<p style="text-align: right;">27</p> <p>1 BY MS. TARABISHY:</p> <p>2 Q. So in a given year, fair to say that</p> <p>3 you would have conducted around 1,000 or more</p> <p>4 fingerprint examinations?</p> <p>5 MS. CANONIE: Objection; form, calls</p> <p>6 for speculation.</p> <p>7 THE WITNESS: Yes, that's possible.</p> <p>8 Yes.</p> <p>9 BY MS. TARABISHY:</p> <p>10 Q. Who was your supervisor in 2009?</p> <p>11 A. Carey Simon.</p> <p>12 Q. What was his job title?</p> <p>13 A. Latent print -- latent print unit</p> <p>14 supervisor.</p> <p>15 Q. Was it Mr. Simon who would give you a</p> <p>16 case assignment in 2009?</p> <p>17 A. Yes. Generally, yes.</p> <p>18 Q. Have you ever received any awards or</p> <p>19 recognition for your work as a latent print</p> <p>20 examiner at the Chicago Police Department?</p> <p>21 A. Yes.</p> <p>22 Q. What were these?</p> <p>23 A. There were several, but I can't recall</p> <p>24 any in -- in particular.</p>
<p style="text-align: right;">26</p> <p>1 Q. What were your responsibilities in</p> <p>2 that role?</p> <p>3 A. To analyze prints, unknown prints from</p> <p>4 crime scenes, evaluate their -- their</p> <p>5 usefulness for comparisons or entry into the</p> <p>6 AFIS system, and to compare prints, unknown</p> <p>7 prints against the prints of known subjects,</p> <p>8 either suspects or elimination prints, and to</p> <p>9 enter prints into the AFIS system to generate</p> <p>10 a candidate list to find possible matches.</p> <p>11 Q. How many cases did you work on per</p> <p>12 year?</p> <p>13 A. Oh, I can't say exactly. I can't</p> <p>14 recall. Give you an approximate number...</p> <p>15 Q. Approximate number would be good.</p> <p>16 A. It -- well, it would have been</p> <p>17 hundreds, but I would say in the area of</p> <p>18 approximately 200 or -- approximately.</p> <p>19 Q. And each one of these cases could</p> <p>20 entail multiple fingerprint examinations;</p> <p>21 correct?</p> <p>22 MS. CANONIE: Objection; form, calls</p> <p>23 for speculation.</p> <p>24 THE WITNESS: Yes.</p>	<p style="text-align: right;">28</p> <p>1 Q. Do you know how many?</p> <p>2 A. I would say maybe around -- between</p> <p>3 five and ten at least, approximately.</p> <p>4 Q. What was the reason you got any of</p> <p>5 these awards or recognitions?</p> <p>6 MS. CANONIE: Objection; form.</p> <p>7 THE WITNESS: Usually the -- for</p> <p>8 identifying a suspect who was usually</p> <p>9 prosecuted and found guilty in that particular</p> <p>10 case.</p> <p>11 BY MS. TARABISHY:</p> <p>12 Q. Who presented an award or recognition</p> <p>13 to you?</p> <p>14 MS. CANONIE: Objection; form,</p> <p>15 foundation.</p> <p>16 THE WITNESS: Usually they were given</p> <p>17 to me by the supervising sergeant.</p> <p>18 BY MS. TARABISHY:</p> <p>19 Q. In 2009, was it part of your</p> <p>20 responsibility to work on postconviction cases</p> <p>21 as well as active cases?</p> <p>22 MS. CANONIE: Objection; form,</p> <p>23 foundation.</p> <p>24 THE WITNESS: Yes, if I was assigned</p>

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8 (29 to 32)

29	<p>1 such a case.</p> <p>2 BY MS. TARABISHY:</p> <p>3 Q. Throughout your work at the latent</p> <p>4 print unit, how many postconviction cases did</p> <p>5 you work on?</p> <p>6 MS. CANONIE: Object to form; calls</p> <p>7 for speculation.</p> <p>8 THE WITNESS: I -- well, I don't</p> <p>9 recall.</p> <p>10 BY MS. TARABISHY:</p> <p>11 Q. Was it more than five?</p> <p>12 MS. CANONIE: Objection. Same</p> <p>13 objection.</p> <p>14 THE WITNESS: I don't -- I don't think</p> <p>15 so. I don't think it would have been, but I</p> <p>16 don't recall.</p> <p>17 BY MS. TARABISHY:</p> <p>18 Q. Do you recall that the Charles Johnson</p> <p>19 case was a postconviction case, you were</p> <p>20 reexamining prints that were generally</p> <p>21 examined at that time of the criminal trial;</p> <p>22 correct?</p> <p>23 MS. CANONIE: Objection; foundation.</p> <p>24 THE WITNESS: Could you repeat that</p>	31
30	<p>1 one?</p> <p>2 MS. CANONIE: Objection; calls for</p> <p>3 speculation.</p> <p>4 THE WITNESS: It's possible, yes.</p> <p>5 BY MS. TARABISHY:</p> <p>6 Q. Have you testified in court in a role</p> <p>7 as a latent print examiner?</p> <p>8 A. Yes.</p> <p>9 Q. How many times over the course of your</p> <p>10 career?</p> <p>11 A. I believe about 15 approximately, at</p> <p>12 least.</p> <p>13 Q. And have you qualified as an expert to</p> <p>14 testify in court in the field of latent print</p> <p>15 examination?</p> <p>16 MS. CANONIE: Objection; form,</p> <p>17 foundation.</p> <p>18 THE WITNESS: Yes.</p> <p>19 BY MS. TARABISHY:</p> <p>20 Q. Have you ever failed to qualify as an</p> <p>21 expert in the field of latent print</p> <p>22 examination at any time when you were called</p> <p>23 to testify in court?</p> <p>24 MS. CANONIE: Objection; form.</p>	32
30	<p>1 one again? I'm sorry.</p> <p>2 BY MS. TARABISHY:</p> <p>3 Q. You recall that the work you did for</p> <p>4 this case, the Charles Johnson matter, was a</p> <p>5 postconviction case; right?</p> <p>6 MS. CANONIE: Objection; form,</p> <p>7 foundation.</p> <p>8 THE WITNESS: At that time I -- I</p> <p>9 don't know whether I was aware of that or not.</p> <p>10 I don't believe that I was, but I don't recall</p> <p>11 exactly.</p> <p>12 BY MS. TARABISHY:</p> <p>13 Q. Did you work on -- but you are aware</p> <p>14 of that today; right?</p> <p>15 A. Yes, mm-hmm.</p> <p>16 Q. Did you work on any other</p> <p>17 postconviction cases, other than the Charles</p> <p>18 Johnson matter?</p> <p>19 MS. CANONIE: Objection; asked and</p> <p>20 answered.</p> <p>21 THE WITNESS: I don't recall.</p> <p>22 BY MS. TARABISHY:</p> <p>23 Q. So it is possible that you have worked</p> <p>24 on other postconviction cases other than this</p>	32

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9 (33 to 36)

33	<p>1 MS. TARABISHY: We'll take a short</p> <p>2 five-minute break.</p> <p>3 THE VIDEOGRAPHER: Going off the</p> <p>4 record at 10:36.</p> <p>5 (Whereupon, a recess was</p> <p>6 had.)</p> <p>7 THE VIDEOGRAPHER: We are back on the</p> <p>8 record at 10:37.</p> <p>9 BY MS. TARABISHY:</p> <p>10 Q. What is a latent print?</p> <p>11 A. A latent print is -- is a --</p> <p>12 impression of the friction ridge skin on</p> <p>13 the -- on the sides of the finger, of the</p> <p>14 palms that is found on the surface and</p> <p>15 recovered -- left on the surface by chance and</p> <p>16 recovered by the process of either dusting or</p> <p>17 photography or the chemicals and preserved as</p> <p>18 evidence.</p> <p>19 Q. You said it would be left on the</p> <p>20 surface by chance. So a latent print is not</p> <p>21 left every time someone touches a surface; is</p> <p>22 that right?</p> <p>23 MS. CANONIE: Objection;</p> <p>24 mischaracterizes the prior testimony, also,</p>	35
34	<p>1 form.</p> <p>2 THE WITNESS: Yes, correct.</p> <p>3 BY MS. TARABISHY:</p> <p>4 Q. What are the factors that impact</p> <p>5 whether a latent print impression is going to</p> <p>6 be left after somebody touches a surface?</p> <p>7 MS. CANONIE: Objection; form,</p> <p>8 foundation.</p> <p>9 THE WITNESS: Factors such as</p> <p>10 substance on the fingers, whether the fingers</p> <p>11 are dry or not, or -- or how heavy the</p> <p>12 pressure is that they may touch a surface</p> <p>13 with.</p> <p>14 BY MS. TARABISHY:</p> <p>15 Q. So how would each of these factors</p> <p>16 that you mentioned affect whether a print -- a</p> <p>17 latent print would be left on the surface?</p> <p>18 MS. CANONIE: Objection; form --</p> <p>19 objection; form, foundation. Sorry, Noor.</p> <p>20 MS. TARABISHY: No problem.</p> <p>21 THE WITNESS: It can affect whether</p> <p>22 the -- just whether as to not the print</p> <p>23 would -- would be able to be lifted or</p> <p>24 photographed clearly or the impression itself</p>	36
	<p>1 would be left clear enough to be usable</p> <p>2 evidence.</p> <p>3 BY MS. TARABISHY:</p> <p>4 Q. How long can a latent print remain on</p> <p>5 the surface?</p> <p>6 MS. CANONIE: Objection; form,</p> <p>7 foundation, calls for speculation.</p> <p>8 THE WITNESS: I -- I can't say that</p> <p>9 or -- or I don't know.</p> <p>10 BY MS. TARABISHY:</p> <p>11 Q. In your experience, what factors would</p> <p>12 impact the length of time that a print may</p> <p>13 remain on a surface?</p> <p>14 MS. CANONIE: Objection; form,</p> <p>15 foundation, calls for speculation.</p> <p>16 THE WITNESS: Yeah, I don't -- I don't</p> <p>17 recall all that -- that information.</p> <p>18 BY MS. TARABISHY:</p> <p>19 Q. What is an "impression"?</p> <p>20 MS. CANONIE: Objection; form.</p> <p>21 THE WITNESS: An impression, I don't</p> <p>22 quite understand that.</p> <p>23 BY MS. TARABISHY:</p> <p>24 Q. Have you used the term "latent print</p>	

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10 (37 to 40)

37	39
<p>1 BY MS. TARABISHY:</p> <p>2 Q. What is an "impression"? I'm not sure</p> <p>3 I understood you the first time you answered.</p> <p>4 If you could, explain that further, please.</p> <p>5 MS. CANONIE: Objection; form; asked</p> <p>6 and answered. Please answer.</p> <p>7 THE WITNESS: Oh, well, when you say</p> <p>8 "an impression," an impression of what?</p> <p>9 BY MS. TARABISHY:</p> <p>10 Q. An impression of a print or is that</p> <p>11 not a term you use at all, I guess.</p> <p>12 A. Not this term "impression" by itself,</p> <p>13 not a --</p> <p>14 Q. What is a "lift"?</p> <p>15 MS. CANONIE: Objection; form.</p> <p>16 THE WITNESS: A "lift" is usually a</p> <p>17 piece of adhesive that is laid over an</p> <p>18 impression after it is usually dusted</p> <p>19 and -- to capture the print and lift it and</p> <p>20 seal it.</p> <p>21 BY MS. TARABISHY:</p> <p>22 Q. So you just said that is laid over an</p> <p>23 impression; correct?</p> <p>24 A. Yes.</p>	<p>1 BY MS. TARABISHY:</p> <p>2 Q. Yeah. I don't mean you personally,</p> <p>3 I'm sorry. I mean after the fingerprint</p> <p>4 technician is processing the surface for</p> <p>5 prints, what you see on that surface in the</p> <p>6 shape of ridges you would call that an</p> <p>7 impression?</p> <p>8 MS. CANONIE: Objection; form,</p> <p>9 foundation.</p> <p>10 THE WITNESS: Yes.</p> <p>11 BY MS. TARABISHY:</p> <p>12 Q. And what is a "negative"?</p> <p>13 MS. CANONIE: Objection; form.</p> <p>14 THE WITNESS: A negative -- negative</p> <p>15 as far -- in relationship to what?</p> <p>16 BY MS. TARABISHY:</p> <p>17 Q. To a medium that you're examining</p> <p>18 from -- your fingerprints from as an examiner,</p> <p>19 not a negative result.</p> <p>20 A. A negative photograph, which could be</p> <p>21 submitted with impressions on it.</p> <p>22 Q. And what is a "tracing"?</p> <p>23 MS. CANONIE: Objection; form.</p> <p>24 THE WITNESS: A tracing is a -- that's</p>
38	40
<p>1 MS. CANONIE: Objection;</p> <p>2 mischaracterizes the testimony.</p> <p>3 BY MS. TARABISHY:</p> <p>4 Q. So the impression would be what you</p> <p>5 visually see after you process the surface for</p> <p>6 prints; is that correct?</p> <p>7 MS. CANONIE: Objection; form.</p> <p>8 (Indiscernible simultaneous</p> <p>9 colloquy.)</p> <p>10 BY MS. TARABISHY:</p> <p>11 Q. Would you call that an impression?</p> <p>12 MS. CANONIE: Objection; form,</p> <p>13 foundation, mischaracterizes prior testimony.</p> <p>14 THE WITNESS: Repeat that again,</p> <p>15 please.</p> <p>16 MS. TARABISHY: Could the court</p> <p>17 reporter read back the question? I forgot</p> <p>18 what it was.</p> <p>19 THE COURT REPORTER: Sure. Please</p> <p>20 stand by.</p> <p>21 (The requested testimony</p> <p>22 was read back.)</p> <p>23 THE WITNESS: Well, I don't -- I</p> <p>24 didn't process surfaces for prints.</p>	<p>1 tracing of an enlarged finger -- impression,</p> <p>2 fingerprint impression, that photograph</p> <p>3 enlarged, and then a piece of tracing paper is</p> <p>4 laid over it, and the -- the path of the</p> <p>5 ridges would be traced, and then the tracing</p> <p>6 itself could -- would be a tracing of the</p> <p>7 impression, could be entered into the AFIS</p> <p>8 system.</p> <p>9 BY MS. TARABISHY:</p> <p>10 Q. What is the "AFIS system"?</p> <p>11 A. AFIS is the automated fingerprint</p> <p>12 identification system.</p> <p>13 Q. What does that mean?</p> <p>14 MS. CANONIE: Objection; form.</p> <p>15 BY MS. TARABISHY:</p> <p>16 Q. Do you use that system?</p> <p>17 A. The AFIS system searches fingerprints</p> <p>18 and compares them against a database of</p> <p>19 fingerprints, and generates end-of-day lists</p> <p>20 of subjects that could be compared against the</p> <p>21 original unknown print that was searched.</p> <p>22 Q. To your knowledge, what year did AFIS</p> <p>23 first become [sic] available to the Chicago</p> <p>24 Police Department?</p>

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11 (41 to 44)

41	<p>1 MS. CANONIE: Objection; calls for 2 speculation. 3 THE WITNESS: I don't know. I don't 4 recall exactly when. 5 BY MS. TARABISHY: 6 Q. Was it available throughout your 7 tenure at the latent print unit? 8 MS. CANONIE: Objection; form. 9 THE WITNESS: Yes. 10 BY MS. TARABISHY: 11 Q. For the questions that I'm going to 12 ask you now, I'm not asking about a specific 13 case, just your general practice as a latent 14 print examiner in the latent print unit. 15 Okay? 16 A. Okay. 17 Q. How did you usually get a case 18 assignment? 19 MS. CANONIE: Object to form, 20 foundation. 21 THE WITNESS: Usually -- usually you 22 would -- after you finished one case, you 23 would -- if you're going to the case file roll 24 then take the next -- take the next case in</p>	43	<p>1 normal case files where you were picking up 2 your next assignment usually? 3 MS. CANONIE: Object to form. 4 THE WITNESS: They could or they -- or 5 they -- or the supervisor could assign them. 6 BY MS. TARABISHY: 7 Q. What is typically included in the case 8 file, what material -- 9 MS. CANONIE: Objection; form. 10 BY MS. TARABISHY: 11 Q. -- is available to you? 12 MS. CANONIE: Objection; form, 13 foundation. 14 THE WITNESS: What was the last part 15 of that? 16 BY MS. TARABISHY: 17 Q. What material is available to you in 18 the case file? 19 MS. CANONIE: Object to form. 20 Objection; form. 21 THE WITNESS: The latent print 22 evidence is usually in the envelope inside the 23 file, and the -- usually the crime scene 24 processing report is included.</p>
42	<p>1 chronological order by report number. 2 BY MS. TARABISHY: 3 Q. Were there instances where a 4 supervisor assigned a case to you as opposed 5 to you picking up the next available case in 6 chronological order? 7 MS. CANONIE: Objection; form, 8 foundation. 9 THE WITNESS: Yes. 10 BY MS. TARABISHY: 11 Q. What would the reason for that be? 12 MS. CANONIE: Objection; form, 13 foundation, calls for speculation. 14 THE WITNESS: There could be various 15 reasons. There could be various reasons. 16 BY MS. TARABISHY: 17 Q. Like what? 18 MS. CANONIE: Objection; form. 19 THE WITNESS: Such as -- such as a 20 request from a State's attorney, or a request 21 because the detective may have had someone in 22 custody. 23 BY MS. TARABISHY: 24 Q. So those requests would not go in the</p>	44	<p>1 BY MS. TARABISHY: 2 Q. So if you receive a case file with a 3 suspect's fingerprints and prints recovered 4 from the crime scene, how would you begin 5 working on that case? 6 What would your first step be? 7 MS. CANONIE: Objection; form, 8 foundation, calls for speculation. 9 THE WITNESS: To analyze the -- the 10 latent print evidence as to its suitability. 11 BY MS. TARABISHY: 12 Q. Suitability for what? 13 MS. CANONIE: Objection; form. 14 THE WITNESS: For comparison. 15 BY MS. TARABISHY: 16 Q. What does it mean for a print to be 17 suitable for comparison? 18 MS. CANONIE: Objection; form. 19 THE WITNESS: That -- that would 20 include the analysis or the -- their clarity, 21 and you observe any impressions on -- on the 22 lifts, for instance, and are they clear and 23 usable. 24</p>

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12 (45 to 48)

45	<p>1 BY MS. TARABISHY:</p> <p>2 Q. If you determined that the prints are</p> <p>3 suitable for comparison, what is your next</p> <p>4 step?</p> <p>5 MS. CANONIE: Objection; form,</p> <p>6 foundation, incomplete hypothetical.</p> <p>7 THE WITNESS: To either compare them</p> <p>8 to any -- if there are any elimination prints</p> <p>9 to be compare to -- to compare them against,</p> <p>10 or if there are any known suspects to be -- to</p> <p>11 compare them against. Or either -- or either</p> <p>12 enter them into the AFIS system as a search of</p> <p>13 an unknown print to try -- to try to identify</p> <p>14 the prints.</p> <p>15 BY MS. TARABISHY:</p> <p>16 Q. You used the term "elimination print."</p> <p>17 What does that mean?</p> <p>18 MS. CANONIE: Objection;</p> <p>19 mischaracterizes the testimony.</p> <p>20 BY MS. TARABISHY:</p> <p>21 Q. Can you explain --</p> <p>22 A. Elimination --</p> <p>23 Q. I'm so sorry, Mr. Malone.</p> <p>24 MS. TARABISHY: Can you explain the</p>	47	<p>1 BY MS. TARABISHY:</p> <p>2 Q. And if after the comparison to the</p> <p>3 suspect prints, you still could not make an</p> <p>4 identification, you would then move to the</p> <p>5 AFIS steps; is that correct?</p> <p>6 MS. CANONIE: Objection; form.</p> <p>7 THE WITNESS: Yes. If they were AFIS</p> <p>8 suitable.</p> <p>9 BY MS. TARABISHY:</p> <p>10 Q. What does it mean for the prints to be</p> <p>11 AFIS suitable?</p> <p>12 A. Well, a lot of times in latent prints</p> <p>13 you have partial, small, partial impressions.</p> <p>14 And if you didn't have enough of an impression</p> <p>15 that you deemed was -- was worthy or worth</p> <p>16 entering into AFIS, say, for instance, a</p> <p>17 fingerprint that didn't have a -- couldn't</p> <p>18 tell what pattern type it was because it was</p> <p>19 only a small, partial impression --</p> <p>20 impression, you may -- it -- it would be at</p> <p>21 your discretion or your experience as to</p> <p>22 whether you would enter such an impression</p> <p>23 into AFIS.</p> <p>24 Q. So such a print could still be usable</p>
46	<p>1 basis for your objection, Carson?</p> <p>2 MS. CANONIE: Yeah. No. That</p> <p>3 objection -- I apologize. I withdraw the</p> <p>4 objection.</p> <p>5 BY MS. TARABISHY:</p> <p>6 Q. Go ahead, Mr. Malone.</p> <p>7 A. Elimination prints, usually prints of</p> <p>8 the victim themselves or of the persons</p> <p>9 that -- that may have been known to -- to be</p> <p>10 at the location of the particular crime scene</p> <p>11 and whose fingerprints might be on any -- any</p> <p>12 particular, specific objects that may have</p> <p>13 been -- that the prints were lifted from.</p> <p>14 Q. So you would compare the latent prints</p> <p>15 from the crime scene to those elimination</p> <p>16 prints; correct?</p> <p>17 MS. CANONIE: Objection; form.</p> <p>18 THE WITNESS: Yes.</p> <p>19 BY MS. TARABISHY:</p> <p>20 Q. And you would also compare them to any</p> <p>21 suspect prints that you were provided?</p> <p>22 MS. CANONIE: Objection; form.</p> <p>23 THE WITNESS: Yes.</p> <p>24</p>	48	<p>1 for comparison, but not for entry into AFIS?</p> <p>2 MS. CANONIE: Objection; form.</p> <p>3 THE WITNESS: Yes.</p> <p>4 BY MS. TARABISHY:</p> <p>5 Q. Have you used the term "suitable for</p> <p>6 identification" in your work as a latent print</p> <p>7 examiner?</p> <p>8 A. Yes.</p> <p>9 Q. Is that the same as "suitable for</p> <p>10 comparison"?</p> <p>11 A. Yes. Usually, yes.</p> <p>12 Q. The process that you described where</p> <p>13 you begin by comparing the latent print</p> <p>14 evidence to the elimination prints and suspect</p> <p>15 prints, was that the standard practice for</p> <p>16 latent print examiners during your time at the</p> <p>17 latent print unit?</p> <p>18 MS. CANONIE: Objection; form.</p> <p>19 THE WITNESS: Yes.</p> <p>20 BY MS. TARABISHY:</p> <p>21 Q. And to your knowledge, this was also</p> <p>22 standard practice of the latent print unit in</p> <p>23 1995 when this case originated?</p> <p>24 MS. CANONIE: Objection; form,</p>

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13 (49 to 52)

49	<p>1 foundation, calls for speculation.</p> <p>2 THE WITNESS: No, I don't -- I</p> <p>3 couldn't say. I don't know.</p> <p>4 BY MS. TARABISHY:</p> <p>5 Q. This remains the practice of the</p> <p>6 latent print unit today?</p> <p>7 MS. CANONIE: Objection; form,</p> <p>8 foundation, calls for speculation.</p> <p>9 THE WITNESS: I don't know.</p> <p>10 BY MS. TARABISHY:</p> <p>11 Q. If the print isn't suitable for AFIS,</p> <p>12 what would your next step be?</p> <p>13 MS. CANONIE: Objection; form,</p> <p>14 incomplete hypothetical.</p> <p>15 THE WITNESS: At that point it would</p> <p>16 need to be unidentified, and a -- usually a</p> <p>17 report would be generated at that point as to,</p> <p>18 you know, no identification.</p> <p>19 BY MS. TARABISHY:</p> <p>20 Q. Who would you submit that report to?</p> <p>21 MS. CANONIE: Objection; form,</p> <p>22 foundation.</p> <p>23 THE WITNESS: My supervisor.</p> <p>24</p>	51	<p>1 corroborating your work?</p> <p>2 MS. CANONIE: Objection; form.</p> <p>3 THE WITNESS: Yes.</p> <p>4 BY MS. TARABISHY:</p> <p>5 Q. Can you explain the process for</p> <p>6 corroboration?</p> <p>7 A. Yes. If you make an identification,</p> <p>8 another qualified latent examiner would --</p> <p>9 would analyze and compare the prints, and come</p> <p>10 to his conclusion as to whether he's -- he</p> <p>11 agrees with the findings of the original</p> <p>12 examiner.</p> <p>13 Q. And the corroboration policy was only</p> <p>14 for identifications; is that right?</p> <p>15 MS. CANONIE: Objection; form,</p> <p>16 foundation, mischaracterizes the testimony.</p> <p>17 THE WITNESS: Yes.</p> <p>18 BY MS. TARABISHY:</p> <p>19 Q. So if you were not able to make an</p> <p>20 identification, no other examiner would look</p> <p>21 at the evidence to see if they reach a</p> <p>22 different conclusion; is that right?</p> <p>23 MS. CANONIE: Objection; form,</p> <p>24 foundation, calls for speculation.</p>
50	<p>1 BY MS. TARABISHY:</p> <p>2 Q. What is the reason for submission to</p> <p>3 your supervisor?</p> <p>4 A. Approval of the report.</p> <p>5 Q. And after your supervisor approves the</p> <p>6 report, does he give it back to you or do you</p> <p>7 know where it goes to next?</p> <p>8 MS. CANONIE: Objection; form.</p> <p>9 THE WITNESS: It goes in -- the paper</p> <p>10 copy goes in the case jacket.</p> <p>11 BY MS. TARABISHY:</p> <p>12 Q. And what is the "case jacket"?</p> <p>13 A. Sending the case file, it's just a big</p> <p>14 envelope with the evidence and any related</p> <p>15 reports inside the envelope.</p> <p>16 Q. If you make an identification, was it</p> <p>17 the latent print unit's policy that you would</p> <p>18 have another latent print examiner look at the</p> <p>19 prints that you examined?</p> <p>20 MS. CANONIE: Objection; form,</p> <p>21 foundation, incomplete hypothetical.</p> <p>22 THE WITNESS: Yes.</p> <p>23 BY MS. TARABISHY:</p> <p>24 Q. Can you -- would that be called</p>	52	<p>1 THE WITNESS: Yes.</p> <p>2 BY MS. TARABISHY:</p> <p>3 Q. If the second examiner does not concur</p> <p>4 with your findings, what is the next step?</p> <p>5 A. It would either -- the -- we would</p> <p>6 notify the supervisor, and he -- and he would</p> <p>7 make a determination as to the next step.</p> <p>8 Q. So would the supervisor examine the</p> <p>9 evidence himself or herself to determine who</p> <p>10 is correct?</p> <p>11 MS. CANONIE: Objection; form,</p> <p>12 foundation, calls for speculation, incomplete</p> <p>13 hypothetical.</p> <p>14 THE WITNESS: Well, I couldn't say</p> <p>15 because it's never happened with me.</p> <p>16 BY MS. TARABISHY:</p> <p>17 Q. So for every identification that you</p> <p>18 submitted your- -- for corroboration, the</p> <p>19 second examiner concurred with your findings?</p> <p>20 MS. CANONIE: Objection; form.</p> <p>21 THE WITNESS: Yes. That I recall,</p> <p>22 yes.</p> <p>23 BY MS. TARABISHY:</p> <p>24 Q. After that happens -- after the second</p>

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14 (53 to 56)

53	<p>1 examiner looks at the evidence, would you</p> <p>2 write a report summarizing the identification?</p> <p>3 A. Yes.</p> <p>4 Q. And you would submit the report to</p> <p>5 your supervisor?</p> <p>6 MS. CANONIE: Objection; form,</p> <p>7 foundation.</p> <p>8 THE WITNESS: Yes.</p> <p>9 BY MS. TARABISHY:</p> <p>10 Q. Would you make any notations on the</p> <p>11 latent print lift itself to indicate that you</p> <p>12 made an identification?</p> <p>13 MS. CANONIE: Objection; form,</p> <p>14 foundation.</p> <p>15 THE WITNESS: Yes.</p> <p>16 BY MS. TARABISHY:</p> <p>17 Q. And would the second examiner also</p> <p>18 make a notation on the evidence itself?</p> <p>19 MS. CANONIE: Objection; form,</p> <p>20 foundation.</p> <p>21 THE WITNESS: Yes.</p> <p>22 BY MS. TARABISHY:</p> <p>23 Q. You would typically initial and date?</p> <p>24 MS. CANONIE: Objection; form.</p>	55	<p>1 MS. CANONIE: Objection; form.</p> <p>2 THE WITNESS: Yes, yes, the detectives</p> <p>3 division would be notified through the report</p> <p>4 system, and State's attorneys would be</p> <p>5 notified through phone calls.</p> <p>6 BY MS. TARABISHY:</p> <p>7 Q. Would the detectives receive copies of</p> <p>8 the reports generated by latent print</p> <p>9 examiners?</p> <p>10 MS. CANONIE: Objection; form, calls</p> <p>11 for speculation.</p> <p>12 THE WITNESS: Yes. They would be able</p> <p>13 to pull up the reports themselves in the</p> <p>14 system, the computer system.</p> <p>15 BY MS. TARABISHY:</p> <p>16 Q. Would they be notified if there was an</p> <p>17 identification?</p> <p>18 MS. CANONIE: Object to form and</p> <p>19 foundation. Can we just have -- you may have</p> <p>20 already clarified this, but can you -- we just</p> <p>21 get some clarification on the time period</p> <p>22 you're talking about?</p> <p>23 MS. TARABISHY: Yes, sorry.</p> <p>24</p>
54	<p>1 THE WITNESS: That would be a part of</p> <p>2 it, yes.</p> <p>3 BY MS. TARABISHY:</p> <p>4 Q. Would you also date and initial the</p> <p>5 known standard that you compared the latent</p> <p>6 print evidence to?</p> <p>7 MS. CANONIE: Objection; form,</p> <p>8 foundation.</p> <p>9 THE WITNESS: No.</p> <p>10 BY MS. TARABISHY:</p> <p>11 Q. After an examination is concluded in</p> <p>12 2009, how would the detective -- would the</p> <p>13 detectives working the case be notified, to</p> <p>14 your knowledge?</p> <p>15 MS. CANONIE: Objection. Objection;</p> <p>16 form, calls for speculation.</p> <p>17 THE WITNESS: That question -- would</p> <p>18 you repeat that question again?</p> <p>19 BY MS. TARABISHY:</p> <p>20 Q. Sure.</p> <p>21 After you conclude working on -- on a</p> <p>22 case, do you have any knowledge about what is</p> <p>23 the notification process for the detectives or</p> <p>24 the prosecutors working the case?</p>	56	<p>1 BY MS. TARABISHY:</p> <p>2 Q. I'm asking you 2009. If you make an</p> <p>3 identification, would the detectives be</p> <p>4 notified of that identification?</p> <p>5 MS. CANONIE: Objection; form,</p> <p>6 foundation.</p> <p>7 (Indiscernible simultaneous</p> <p>8 colloquy.)</p> <p>9 THE COURT REPORTER: I'm sorry. I</p> <p>10 didn't get you, Katie.</p> <p>11 MS. BARBER: I'm just objecting that</p> <p>12 the question is vague.</p> <p>13 BY MS. TARABISHY:</p> <p>14 Q. You said yes, Mr. Malone?</p> <p>15 A. Yes. They would be notified, yes.</p> <p>16 Q. Would they be notified if after you</p> <p>17 concluded your examination you were not able</p> <p>18 to make an identification?</p> <p>19 MS. CANONIE: Objection; form,</p> <p>20 incomplete -- calls for speculation,</p> <p>21 incomplete hypothetical.</p> <p>22 THE WITNESS: Yes, they would -- they</p> <p>23 would be notified through the report, yeah, of</p> <p>24 whether it was ident or an unident. Either</p>

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15 (57 to 60)

57	<p>1 way, yes.</p> <p>2 BY MS. TARABISHY:</p> <p>3 Q. I'm going to ask you now about the</p> <p>4 work you did in the case that brings us here</p> <p>5 today, the State of Illinois versus Charles</p> <p>6 Johnson, okay?</p> <p>7 A. Okay.</p> <p>8 Q. Do you remember receiving an</p> <p>9 assignment from your supervisor to conduct a</p> <p>10 fingerprint examination in this case in 2009?</p> <p>11 MS. CANONIE: Objection; form,</p> <p>12 foundation.</p> <p>13 THE WITNESS: Yeah. I remember being</p> <p>14 assigned to work on the case.</p> <p>15 BY MS. TARABISHY:</p> <p>16 Q. Who assigned you to work on the case?</p> <p>17 A. Carey Simon.</p> <p>18 Q. Before you received this case</p> <p>19 assignment, did you know anything about the</p> <p>20 underlying crime?</p> <p>21 MS. CANONIE: Objection; form.</p> <p>22 THE WITNESS: No.</p> <p>23 BY MS. TARABISHY:</p> <p>24 Q. About any of the individuals that were</p>	59	<p>1 MS. CANONIE: Objection; form.</p> <p>2 THE WITNESS: No, he didn't at that</p> <p>3 time, no.</p> <p>4 BY MS. TARABISHY:</p> <p>5 Q. Did he assign another supervisor at a</p> <p>6 later -- sorry. Another examiner at a later</p> <p>7 time?</p> <p>8 MS. CANONIE: Objection; form,</p> <p>9 foundation.</p> <p>10 THE WITNESS: No, not that</p> <p>11 I -- I'm -- I recall.</p> <p>12 BY MS. TARABISHY:</p> <p>13 Q. What did Mr. Simon tell you about the</p> <p>14 case when he assigned it to you?</p> <p>15 MS. CANONIE: Objection; form.</p> <p>16 BY MS. TARABISHY:</p> <p>17 Q. I'm sorry?</p> <p>18 THE WITNESS: I don't recall.</p> <p>19 MS. TARABISHY: Ms. Canonie, can you</p> <p>20 explain the basis for that objection.</p> <p>21 MS. CANONIE: Vague.</p> <p>22 MS. TARABISHY: What did Mr. Simon</p> <p>23 tell him about this case?</p> <p>24 MS. CANONIE: Yes. He's testified</p>
58	<p>1 charged with it?</p> <p>2 MS. CANONIE: Objection; form.</p> <p>3 THE WITNESS: No.</p> <p>4 BY MS. TARABISHY:</p> <p>5 Q. Had you read anything about the case</p> <p>6 in the news?</p> <p>7 A. No.</p> <p>8 Q. Do you recall that -- a case involved</p> <p>9 a double homicide at a car dealership in</p> <p>10 Chicago in 1995?</p> <p>11 MS. CANONIE: Objection; form,</p> <p>12 foundation.</p> <p>13 THE WITNESS: Yes.</p> <p>14 BY MS. TARABISHY:</p> <p>15 Q. When -- when your supervisor Carey</p> <p>16 Simon assigned you to work on this fingerprint</p> <p>17 examination, did he tell you why he was giving</p> <p>18 you the assignment?</p> <p>19 MS. CANONIE: Objection; form.</p> <p>20 THE WITNESS: No, other than I was</p> <p>21 available to work on it.</p> <p>22 BY MS. TARABISHY:</p> <p>23 Q. Did he assign any other examiner to</p> <p>24 work on the case with you?</p>	60	<p>1 that he doesn't recall. He just recalls that</p> <p>2 he was assigned.</p> <p>3 BY MS. TARABISHY:</p> <p>4 Q. Go ahead, Mr. Malone.</p> <p>5 A. I don't recall.</p> <p>6 Q. What materials did you receive when</p> <p>7 you received this case assignment?</p> <p>8 A. Court order along with the case</p> <p>9 jacket.</p> <p>10 Q. That's it, the court order and case</p> <p>11 jacket?</p> <p>12 A. That I recall.</p> <p>13 Q. Do you remember how many case jackets</p> <p>14 there were?</p> <p>15 A. No.</p> <p>16 Q. What was inside the case jacket?</p> <p>17 MS. CANONIE: Objection; form,</p> <p>18 foundation.</p> <p>19 THE WITNESS: Generally in the -- it</p> <p>20 would have been the case -- any related crime</p> <p>21 scene processing report and the actual either</p> <p>22 lifts -- and the lift.</p> <p>23 BY MS. TARABISHY:</p> <p>24 Q. Were there any known standards in that</p>

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16 (61 to 64)

<p style="text-align: right;">61</p> <p>1 case jacket than print cards?</p> <p>2 A. Not that I recall.</p> <p>3 Q. And what about that court order, do</p> <p>4 you remember its contents?</p> <p>5 MS. CANONIE: Object to form.</p> <p>6 THE WITNESS: Not -- not in detail,</p> <p>7 no.</p> <p>8 MS. TARABISHY: Would the tech please</p> <p>9 pull up exhibit titled, "January 2009 court</p> <p>10 order"?</p> <p>11 THE TECHNICIAN: One moment, please.</p> <p>12 MS. CANONIE: Noor, I've -- since it's</p> <p>13 printed, I'm going to hand it to him so he can</p> <p>14 see better.</p> <p>15 MS. TARABISHY: Yeah, of course.</p> <p>16 That's fine.</p> <p>17 For the record, this is a three-page</p> <p>18 PDF document consecutively Bates stamped City</p> <p>19 20535 through 20537. It was previously marked</p> <p>20 at the deposition of Carey Simon as</p> <p>21 Exhibit 212.</p> <p>22 BY MS. TARABISHY:</p> <p>23 Q. Do you recognize this document,</p> <p>24 Mr. Malone?</p>	<p style="text-align: right;">63</p> <p>1 Q. There was a total of 14 prints in the</p> <p>2 custody of the State's attorney's office; is</p> <p>3 that correct?</p> <p>4 Looking at paragraph number 1, page 1.</p> <p>5 A. Yes, mm-hmm.</p> <p>6 Q. There was -- those were eight prints</p> <p>7 from trial Exhibit 28; yes?</p> <p>8 A. Exhibit 28, yes, mm-hmm.</p> <p>9 Q. And six prints from trial Exhibit 60?</p> <p>10 A. Yes.</p> <p>11 Q. Looking at the second page,</p> <p>12 paragraph 5.</p> <p>13 MS. TARABISHY: If the tech could</p> <p>14 also -- thank you.</p> <p>15 BY MS. TARABISHY:</p> <p>16 Q. There were also nine prints from</p> <p>17 stickers in the possession of the latent print</p> <p>18 unit; correct?</p> <p>19 MS. CANONIE: Objection; form,</p> <p>20 foundation, document speaks for itself.</p> <p>21 THE WITNESS: Yes.</p> <p>22 BY MS. TARABISHY:</p> <p>23 Q. Those were under inventory number</p> <p>24 1584551?</p>
<p style="text-align: right;">62</p> <p>1 A. Yes.</p> <p>2 Q. What is it?</p> <p>3 A. The court order to perform the request</p> <p>4 that -- assignment or -- or to follow the</p> <p>5 orders set forth in this court order.</p> <p>6 Q. Do you remember what -- the process</p> <p>7 that was set in that court order for the</p> <p>8 re-examination of the fingerprints?</p> <p>9 MS. CANONIE: Objection; form,</p> <p>10 foundation.</p> <p>11 THE WITNESS: Only to -- as I -- as I</p> <p>12 read it.</p> <p>13 BY MS. TARABISHY:</p> <p>14 Q. I'll give you a couple minutes to read</p> <p>15 through that order, the three pages.</p> <p>16 A. Okay.</p> <p>17 Okay.</p> <p>18 Q. Are you finished reviewing the court</p> <p>19 order?</p> <p>20 A. Yes, yes, mm-hmm.</p> <p>21 Q. Does reading this court order refresh</p> <p>22 your recollection as to the number of latent</p> <p>23 lift prints in this case?</p> <p>24 A. Yes.</p>	<p style="text-align: right;">64</p> <p>1 MS. CANONIE: Objection; form,</p> <p>2 document speaks for itself.</p> <p>3 THE WITNESS: Well, I don't know if</p> <p>4 this is a typo, but it reads the inventory</p> <p>5 number for the set of prints -- print pictures</p> <p>6 is IR number, what -- I mean, it's an IR</p> <p>7 number. I believe it must be a typo, yeah.</p> <p>8 BY MS. TARABISHY:</p> <p>9 Q. Why are you saying it's a typo?</p> <p>10 A. Oh, well, you -- inventory wouldn't</p> <p>11 be -- have an IR number in the -- the letters</p> <p>12 IR and then the number. It simply would</p> <p>13 have -- if it was an inventory number, we</p> <p>14 usually have "ID" and "in" abbreviated and</p> <p>15 then the number symbol, but...</p> <p>16 Q. Do you know what an IR number might</p> <p>17 be?</p> <p>18 MS. CANONIE: Objection; form.</p> <p>19 THE WITNESS: Yes, IR number is an</p> <p>20 arrest -- arrest record of an individual.</p> <p>21 BY MS. TARABISHY:</p> <p>22 Q. What was the role of the latent print</p> <p>23 unit under this court order?</p> <p>24 MS. CANONIE: Objection; form,</p>

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17 (65 to 68)

<p style="text-align: right;">65</p> <p>1 document speaks for itself.</p> <p>2 THE WITNESS: To perform these duties</p> <p>3 listed in the court order.</p> <p>4 BY MS. TARABISHY:</p> <p>5 Q. And what were those duties?</p> <p>6 MS. CANONIE: Objection; form, the</p> <p>7 document speaks for itself.</p> <p>8 THE WITNESS: As listed in the</p> <p>9 different paragraphs to scan the prints, then</p> <p>10 to send them to Ken Moses, and once we receive</p> <p>11 them back -- we receive the tracings back from</p> <p>12 Ken Moses who searched them in AFIS and then</p> <p>13 to send the candidate list to Mr. Moses, yes.</p> <p>14 BY MS. TARABISHY:</p> <p>15 Q. Were you responsible for scanning the</p> <p>16 prints specified in the court order to prep</p> <p>17 them to be sent to Mr. Ken Moses?</p> <p>18 MS. CANONIE: Objection; form.</p> <p>19 THE WITNESS: I don't recall, but I</p> <p>20 don't think I was the one that scanned them</p> <p>21 in. I don't recall.</p> <p>22 BY MS. TARABISHY:</p> <p>23 Q. You don't recall that you were the one</p> <p>24 who made the scans ordered in this court</p>	<p style="text-align: right;">67</p> <p>1 record at 11:28.</p> <p>2 BY MS. TARABISHY:</p> <p>3 Q. Before we took a break, Mr. Malone, we</p> <p>4 were talking about that court order for the</p> <p>5 re-examination of fingerprints, and how the</p> <p>6 latent print unit sends scans to</p> <p>7 Mr. Ken Moses. Do you remember that?</p> <p>8 A. Yes, mm-hmm.</p> <p>9 Q. And that court order specified that</p> <p>10 Mr. Moses was going to make tracings of those</p> <p>11 fingerprints; correct?</p> <p>12 MS. CANONIE: Objection; form,</p> <p>13 document speaks for itself.</p> <p>14 THE WITNESS: Yes.</p> <p>15 BY MS. TARABISHY:</p> <p>16 Q. And after he would trace the prints,</p> <p>17 he would send them back to the latent print</p> <p>18 unit; correct?</p> <p>19 A. Yes.</p> <p>20 Q. Did the latent print unit at some</p> <p>21 point receive those tracings from Mr. Moses?</p> <p>22 A. Yes.</p> <p>23 Q. Do you remember how many tracings you</p> <p>24 received?</p>
<p style="text-align: right;">66</p> <p>1 order?</p> <p>2 A. I don't recall if I was the one that</p> <p>3 scanned them.</p> <p>4 Q. So it is possible that it was you, it</p> <p>5 is possible that it was someone else; right?</p> <p>6 A. Yeah, it's possible. I don't recall.</p> <p>7 MS. BARBER: Noor, whenever you get --</p> <p>8 it doesn't have to be right now, but whenever</p> <p>9 you get to a reasonable time for a breaking</p> <p>10 point, if we could have a short bathroom</p> <p>11 break, that'd be great.</p> <p>12 MS. TARABISHY: Yeah, of course. It</p> <p>13 actually would be a good time. I'm about to</p> <p>14 open into a new section. So how long would</p> <p>15 you want a break to be, like ten, 15 minutes?</p> <p>16 MS. BARBER: Five minutes would be</p> <p>17 great.</p> <p>18 MS. TARABISHY: Okay. We'll take a</p> <p>19 ten-minute break, then.</p> <p>20 THE VIDEOGRAPHER: We are going off</p> <p>21 the record at 11:17.</p> <p>22 (Whereupon, a recess was</p> <p>23 had.)</p> <p>24 THE VIDEOGRAPHER: We are back on the</p>	<p style="text-align: right;">68</p> <p>1 A. I'd have to look at the --</p> <p>2 Q. Would the --</p> <p>3 A. -- document.</p> <p>4 Q. Okay.</p> <p>5 MS. TARABISHY: Pull up</p> <p>6 exhibit titled, "June 2009 report."</p> <p>7 THE TECHNICIAN: One moment.</p> <p>8 MS. CANONIE: Noor, which date is this</p> <p>9 one?</p> <p>10 MS. TARABISHY: I'm sorry. I didn't</p> <p>11 hear you. That's the correct document, the</p> <p>12 one that's on the screen, if you can see it.</p> <p>13 MS. CANONIE: Okay. Thanks.</p> <p>14 MS. TARABISHY: This is a two-page PDF</p> <p>15 Bates stamped City 20581, 20582 previously</p> <p>16 marked at the deposition of Gary Simon as</p> <p>17 Exhibit 214. Do you recognize this document?</p> <p>18 THE WITNESS: Yes.</p> <p>19 BY MS. TARABISHY:</p> <p>20 Q. And what is it?</p> <p>21 A. This is a report of the tracings that</p> <p>22 were received from Kenneth Moses.</p> <p>23 MS. TARABISHY: Would the tech please</p> <p>24 go to the second page?</p>

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18 (69 to 72)

69	<p>1 BY MS. TARABISHY:</p> <p>2 Q. Do you see your signature anywhere in</p> <p>3 this document?</p> <p>4 A. Yes.</p> <p>5 Q. And it is in the lower right corner of</p> <p>6 the second page where it says, "examined by a</p> <p>7 latent print examiner, Michael Malone"?</p> <p>8 A. Yes.</p> <p>9 Q. Do you know a latent print examiner by</p> <p>10 the name of Joseph Calvo?</p> <p>11 A. Yes.</p> <p>12 Q. Are you familiar with his signature?</p> <p>13 A. Yes.</p> <p>14 Q. And do you see it anywhere in this</p> <p>15 document?</p> <p>16 A. Yes.</p> <p>17 Q. And it's under your signature, also on</p> <p>18 the lower right corner of the report?</p> <p>19 A. Yes.</p> <p>20 Q. I'll also give you a couple of minutes</p> <p>21 to look over this two-page report, and let me</p> <p>22 know when you're done, okay?</p> <p>23 A. Okay.</p> <p>24 Okay.</p>	71
70	<p>1 Q. Can you go back to the first page,</p> <p>2 please?</p> <p>3 A. Yeah.</p> <p>4 Q. Does reading this report refresh your</p> <p>5 recollection as to the number of tracings that</p> <p>6 the latent print unit received from</p> <p>7 Mr. Ken Moses?</p> <p>8 A. Yes.</p> <p>9 Q. You received 13 tracings; correct?</p> <p>10 A. Yes.</p> <p>11 Q. And those tracings were numbered 1A,</p> <p>12 1B, 2A, 5A, 7A, 8A, 8C, 11-2, 12-2, 13A, 14A,</p> <p>13 14B and 15B; correct?</p> <p>14 A. Yes.</p> <p>15 Q. And the corresponding lifts and</p> <p>16 negatives were numbered in the same way?</p> <p>17 MS. CANONIE: Objection; form.</p> <p>18 BY MS. TARABISHY:</p> <p>19 Q. What I mean is tracing 1A would</p> <p>20 correspond to a latent lift or negative 1A and</p> <p>21 so on?</p> <p>22 A. Oh, yes.</p> <p>23 Q. The tracings indicated the pattern</p> <p>24 type for access and orientation; correct?</p>	72

1 **A. Yes.**

2 Q. Can you explain what each of

3 terms -- these terms mean, starting with the

4 "pattern type"?

5 **A. Yes. The "pattern type" being as to**

6 **whether the pattern type was an arch, a loop**

7 **or a whorl. The CORE and access, which means**

8 **for -- meaning the approximate center of the**

9 **impression of the print, and its orientation**

10 **would indicate what -- usually by an arrow**

11 **which direction should be facing up.**

12 Q. What is the importance of indicating

13 this information about each latent print, the

14 pattern type, or access and orientation?

15 MS. CANONIE: Objection; form.

16 BY MS. TARABISHY:

17 Q. You can answer.

18 **A. These are parameters that you would**

19 **indicate you -- when you search the**

20 **print -- upon searching the print in the AFIS**

21 **system.**

22 Q. You would enter those parameters when

23 you were conducting the AFIS search?

24 **A. Yes.**

1 Q. After you received the tracings from

2 Mr. Moses, the next step was to enter those

3 into AFIS; correct?

4 MS. CANONIE: Objection; form.

5 THE WITNESS: Yes.

6 BY MS. TARABISHY:

7 Q. Did you submit the tracings to be

8 searched in AFIS?

9 **A. Yes.**

10 Q. Can you walk us through the process of

11 submitting tracing into AFIS?

12 **A. Yes. The tracings were captured at**

13 **the AFIS terminal by placing the tracing on**

14 **the screen, and you would capture it with**

15 **the -- with a photo, a camera that was**

16 **attached to the -- to the machine, and it**

17 **would capture an image of the tracing. And**

18 **that image would be -- would go into the AFIS**

19 **system, along with the -- entering the**

20 **parameters of the pattern type CORE and access**

21 **and orientation, and it would be for -- for a**

22 **search in the AFIS database.**

23 Q. And if you had a palm print, not a

24 fingerprint, would you be able to enter that

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19 (73 to 76)

<p style="text-align: right;">73</p> <p>1 into AFIS?</p> <p>2 MS. CANONIE: Objection; foundation,</p> <p>3 form.</p> <p>4 THE WITNESS: Yes.</p> <p>5 BY MS. TARABISHY:</p> <p>6 Q. Is this the same database for</p> <p>7 fingerprints or is there a separate database</p> <p>8 for palm prints?</p> <p>9 A. Separate database.</p> <p>10 Q. And what is that database called?</p> <p>11 A. The automated palm print</p> <p>12 identification system or APIS, A-P-I-S.</p> <p>13 MS. TARABISHY: Would the tech please</p> <p>14 pull up exhibit titled, "tracing 1-A"?</p> <p>15 THE TECHNICIAN: One moment, please.</p> <p>16 BY MS. TARABISHY:</p> <p>17 Q. This is a three-page PDF consecutively</p> <p>18 Bates stamped City 20590 through 20592</p> <p>19 previously marked at the deposition of Gary</p> <p>20 Simon as Exhibit 215.</p> <p>21 Do you have the exhibit with you,</p> <p>22 Mr. Malone?</p> <p>23 A. Yes.</p> <p>24 Q. Do you recognize the screen shots in</p>	<p style="text-align: right;">75</p> <p>1 latent print unit had his or her unique</p> <p>2 operator ID to use on this terminal?</p> <p>3 MS. CANONIE: Objection; form.</p> <p>4 THE WITNESS: Yes.</p> <p>5 BY MS. TARABISHY:</p> <p>6 Q. The image on the left is tracing 1A</p> <p>7 created by Ken Moses; correct?</p> <p>8 A. Yeah.</p> <p>9 Q. What is the image on the right?</p> <p>10 A. That would be the fingerprint of the</p> <p>11 number one candidate.</p> <p>12 Q. Let's go through the table at the</p> <p>13 bottom of the page. The first column to the</p> <p>14 left says "rank." What does that mean?</p> <p>15 A. AFIS gives a ranking. We -- it has</p> <p>16 ten candidates. We -- and it would rank those</p> <p>17 in a numbered order.</p> <p>18 Q. It would rank them in the order of</p> <p>19 which is most likely to be a match according</p> <p>20 to its own algorithm; is that correct?</p> <p>21 MS. CANONIE: Objection; form,</p> <p>22 mischaracterizes testimony.</p> <p>23 BY MS. TARABISHY:</p> <p>24 Q. You can answer.</p>
<p style="text-align: right;">74</p> <p>1 this exhibit?</p> <p>2 A. Yes.</p> <p>3 Q. What are they?</p> <p>4 A. Candidate lists generated by the AFIS</p> <p>5 system.</p> <p>6 Q. Looking at the first page, City 20590.</p> <p>7 At the top of the page it says "terminal ID."</p> <p>8 What is that?</p> <p>9 A. That's the number of the particular</p> <p>10 terminal that we used for AFIS.</p> <p>11 Q. And by "terminal," you mean the</p> <p>12 computer that had the AFIS database?</p> <p>13 A. Yes.</p> <p>14 Q. So there's a unique ID for every</p> <p>15 computer that is connected to the AFIS</p> <p>16 database?</p> <p>17 A. I don't recall specifically.</p> <p>18 Q. Next to that it says "operator ID."</p> <p>19 What does that mean?</p> <p>20 A. That would have been my -- my, what's</p> <p>21 called PC number, my individual, you know,</p> <p>22 identification number when using the</p> <p>23 computers.</p> <p>24 Q. So every latent print examiner of the</p>	<p style="text-align: right;">76</p> <p>1 A. I'm sorry. Repeat that one again for</p> <p>2 me.</p> <p>3 Q. It would rank them in order of which</p> <p>4 is most likely to be a match, according to</p> <p>5 AFIS's algorithm?</p> <p>6 A. Oh, generally, yes. Mm-hmm.</p> <p>7 Q. The next column says "decision." Is</p> <p>8 this entered by the latent print examiner</p> <p>9 after you conduct the comparison?</p> <p>10 A. Yes.</p> <p>11 MS. CANONIE: Objection; form.</p> <p>12 THE WITNESS: Yes.</p> <p>13 BY MS. TARABISHY:</p> <p>14 Q. The fourth column says "hit fingers."</p> <p>15 Does this mean which finger is a possible</p> <p>16 match?</p> <p>17 A. Yes.</p> <p>18 Q. And that's generated by AFIS?</p> <p>19 A. Yes.</p> <p>20 Q. How are fingers numbered?</p> <p>21 Which one is finger number one?</p> <p>22 A. Beginning with the -- the right thumb</p> <p>23 is finger -- finger number one. And then the</p> <p>24 other fingers of the right hand, right index,</p>

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20 (77 to 80)

<p style="text-align: right;">77</p> <p>1 number two; the right middle is number three; 2 the -- the right index -- I mean, right ring 3 finger is number four; and the right little 4 finger is number five; and then the left 5 number six; and the left index is number 6 seven; left middle is number eight; left ring 7 is number nine; and the left little finger is 8 number ten. 9 Q. The column for hit fingers has numbers 10 that are greater than ten. Do you see that? 11 A. Yes. 12 Q. Do you have an explanation for this? 13 A. Yes. Like, if the number is greater 14 than ten, it -- it's because the -- AFIS is 15 also using not just the -- the ten fingers in 16 the ten boxes on a fingerprint card, it also 17 uses the simultaneous prints that are 18 usually -- that are underneath the -- the ten 19 fingers on a fingerprint card. 20 Q. And what do you mean by the 21 "simultaneous prints"? 22 A. Oh, underneath it, the block 23 ten -- ten fingers, the first five on the top 24 row, the second six through ten on the bottom</p>	<p style="text-align: right;">79</p> <p>1 to the right? 2 A. You said "score (R)"? 3 Q. Mm-hmm? 4 A. Well, "score" is -- is the 5 number -- is a -- AFIS gives the 6 candidate -- each candidate a score. What the 7 "R" stands for, I don't recall, but... 8 Q. Fair to say that the higher the score 9 the more likely there's a match according to 10 AFIS's algorithm? 11 MS. CANONIE: Objection; form. 12 THE WITNESS: Yes. 13 BY MS. TARABISHY: 14 Q. And then second-to-last column from 15 the right "quality (S)," and next to that to 16 the left there's "quality (R)." Do you know 17 what that stands for? 18 MS. CANONIE: Objection; form. 19 THE WITNESS: Yeah, I don't -- I don't 20 quite recall all of that. 21 BY MS. TARABISHY: 22 Q. Underneath the table it says on the 23 bottom "Enhanced-B" on the first page. Do you 24 see that?</p>
<p style="text-align: right;">78</p> <p>1 row, and then on the standard print card, 2 underneath that, the person taking the prints 3 would do what's called a simultaneous 4 impression where he would take fingers on the 5 right hand, fingers two through five, and he 6 would just press -- put those fingers together 7 and press them down in that -- in that 8 particular box, which is labeled "simultaneous 9 impression." 10 And -- and he would take the 11 individual thumb and just press them down, the 12 box next to that, and he would do the same 13 thing with the left hand. 14 And those -- those -- those -- and 15 those are also numbered in -- by AFIS. 16 Q. So number 11 would be which 17 simultaneous print? 18 A. Well, it would be -- it would be the 19 number one finger below at the bottom of the 20 print card, below the ten fingers of the 21 thumbs, which is -- which is just called a 22 plain impression of the number one finger, and 23 AFIS records that as number 11. 24 Q. What is "score (R)" in the next column</p>	<p style="text-align: right;">80</p> <p>1 A. The bottom, yes. Mm-hmm. 2 Q. And what does that mean? 3 A. "Enhanced-B" was a -- was a separate 4 algorithm search. Besides doing the standard 5 search, and then -- or the enhanced search in 6 Enhanced-A, which is a separate algorithm 7 search, and there's Enhanced-B, so -- which is 8 another separate algorithm search. 9 Q. Do you know the difference between the 10 three algorithms? 11 A. Generally, my -- my recollection was 12 that the Enhanced-A and Enhanced-B in the AFIS 13 system adjusted the CORE and access in search 14 of the print with a slightly different core 15 and access. But I -- but that's about all I 16 remember, not exactly as much detail. 17 Q. So this first page shows a search run 18 with Enhancement-B; correct? 19 A. Yes. 20 MS. TARABISHY: Can you go to the next 21 page, please? 22 THE WITNESS: Yeah. 23 BY MS. TARABISHY: 24 Q. The second page shows the same search</p>

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21 (81 to 84)

<p style="text-align: right;">81</p> <p>1 run with Enhancement-A; correct?</p> <p>2 A. Yes.</p> <p>3 Q. And the last page shows the same</p> <p>4 search run with the standard algorithm?</p> <p>5 A. Yes.</p> <p>6 Q. What would be the reason that a latent</p> <p>7 print examiner would run the same print using</p> <p>8 the three different algorithms?</p> <p>9 MS. CANONIE: Objection; form,</p> <p>10 foundation.</p> <p>11 THE WITNESS: Usually -- usually if</p> <p>12 you didn't get a hit in the standard</p> <p>13 algorithm, then you would search it again in</p> <p>14 either Enhanced-A or Enhanced-B or both, if</p> <p>15 you didn't get a hit in -- in whichever one</p> <p>16 you searched first.</p> <p>17 BY MS. TARABISHY:</p> <p>18 Q. Does AFIS generate a list of ten</p> <p>19 candidates for every search that you run?</p> <p>20 A. No. It can vary. As latent print</p> <p>21 examiners, you can ask for more candidates or</p> <p>22 less candidates.</p> <p>23 Q. If you're using this list and you want</p> <p>24 to do a manual comparison of the ten</p>	<p style="text-align: right;">83</p> <p>1 correct?</p> <p>2 A. Yes.</p> <p>3 Q. And based on that court order that we</p> <p>4 read, the latent print unit was to enter</p> <p>5 Mr. Moses's tracings into AFIS; correct?</p> <p>6 MS. CANONIE: Objection; form. This</p> <p>7 document speaks for itself.</p> <p>8 THE WITNESS: Yes.</p> <p>9 BY MS. TARABISHY:</p> <p>10 Q. So for each of those tracings, you</p> <p>11 entered into AFIS; correct?</p> <p>12 MS. CANONIE: Objection; form, asked</p> <p>13 and answered.</p> <p>14 THE WITNESS: I believe we would have</p> <p>15 followed the court order, yes.</p> <p>16 MS. TARABISHY: You can take down the</p> <p>17 exhibit. Thank you.</p> <p>18 BY MS. TARABISHY:</p> <p>19 Q. And for each of these searches, AFIS</p> <p>20 generated a list of ten candidates like the</p> <p>21 one we just looked at?</p> <p>22 MS. CANONIE: Objection; form,</p> <p>23 foundation.</p> <p>24 THE WITNESS: I believe we had ten</p>
<p style="text-align: right;">82</p> <p>1 candidates, would you start with the prints</p> <p>2 belonging to the person identified in the</p> <p>3 first row with rank number one?</p> <p>4 MS. CANONIE: Objection; form.</p> <p>5 THE WITNESS: Yes.</p> <p>6 BY MS. TARABISHY:</p> <p>7 Q. And if this doesn't result in a hit,</p> <p>8 you would then move on to the next candidate?</p> <p>9 A. Yes.</p> <p>10 Q. And if you go through the list and do</p> <p>11 not make an identification, how do you report</p> <p>12 this outcome?</p> <p>13 MS. CANONIE: Objection; form,</p> <p>14 incomplete hypothetical.</p> <p>15 THE WITNESS: You report it as a</p> <p>16 no-hit AFIS system.</p> <p>17 BY MS. TARABISHY:</p> <p>18 Q. For each of the 13 tracings that</p> <p>19 Mr. Moses created, you ran an AFIS search;</p> <p>20 correct?</p> <p>21 A. I don't recall exactly. I'd have</p> <p>22 to -- I don't recall.</p> <p>23 Q. The screen shots that we're looking at</p> <p>24 are the results of the search for tracing 1A;</p>	<p style="text-align: right;">84</p> <p>1 candidates for each search, yes.</p> <p>2 BY MS. TARABISHY:</p> <p>3 Q. Following that court order, you had</p> <p>4 then obtained the fingerprint standards for</p> <p>5 each of the candidates?</p> <p>6 A. No.</p> <p>7 Q. What did you do with the AFIS result</p> <p>8 that you got for each tracing?</p> <p>9 A. If we compared the fingerprint</p> <p>10 standard of the number one candidate, and if</p> <p>11 it was a hit, then that would have been the</p> <p>12 only fingerprint candidate standard that we</p> <p>13 would -- would need.</p> <p>14 Q. Did you conduct that comparison before</p> <p>15 sending documents to Mr. Moses for his own</p> <p>16 examination?</p> <p>17 A. I'm sorry. Can you repeat that one?</p> <p>18 Q. Did you conduct a manual comparison</p> <p>19 before you sent documents to Mr. Moses for his</p> <p>20 own examination?</p> <p>21 MS. CANONIE: Objection; form,</p> <p>22 foundation. I'm sorry. I'm just going to</p> <p>23 take his. We're not looking at the exhibits.</p> <p>24 I'm going to have him remove the exhibits from</p>

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22 (85 to 88)

85	<p>1 in front of him so he's able to answer.</p> <p>2 MS. TARABISHY: Yep.</p> <p>3 THE WITNESS: Yeah, I don't recall</p> <p>4 exactly the exact order of that process.</p> <p>5 MS. TARABISHY: Can we look again at</p> <p>6 the court order exhibit, please?</p> <p>7 THE TECHNICIAN: One moment.</p> <p>8 MS. CANONIE: When they take it off</p> <p>9 the screen, flip it over so that you won't...</p> <p>10 MS. TARABISHY: Yeah, that's</p> <p>11 the -- page 2, please.</p> <p>12 BY MS. TARABISHY:</p> <p>13 Q. And looking at paragraph number 7,</p> <p>14 Mr. Malone.</p> <p>15 A. Yes.</p> <p>16 MS. CANONIE: What's the Bates Number</p> <p>17 of this page? Just make sure that we're...</p> <p>18 MS. TARABISHY: Sure. City 20536.</p> <p>19 BY MS. TARABISHY:</p> <p>20 Q. Have you read it?</p> <p>21 A. Oh, yes. Mm-hmm.</p> <p>22 Q. Does this refresh your recollection as</p> <p>23 to whether you sent Mr. Moses the fingerprint</p> <p>24 cards for the candidate generated in the AFIS</p>	87	<p>1 your findings when you made an identification;</p> <p>2 correct?</p> <p>3 A. Yes.</p> <p>4 Q. What was the name of the examiner who</p> <p>5 corroborated your identifications?</p> <p>6 A. Joseph Calvo --</p> <p>7 Q. Did you ask Joseph Calvo to</p> <p>8 corroborate your identifications in this case?</p> <p>9 A. Yes.</p> <p>10 Q. Why did you choose Joseph Calvo for</p> <p>11 this task?</p> <p>12 A. I can't recall exactly, but probably</p> <p>13 whether he was -- who -- whether he was</p> <p>14 available at the time.</p> <p>15 Q. Do you know what year Mr. Calvo joined</p> <p>16 the latent print unit?</p> <p>17 MS. CANONIE: Objection; form, calls</p> <p>18 for speculation.</p> <p>19 THE WITNESS: No, I don't recall.</p> <p>20 BY MS. TARABISHY:</p> <p>21 Q. What is your opinion of Joseph Calvo's</p> <p>22 ability as a latent print examiner?</p> <p>23 MS. CANONIE: Objection; form.</p> <p>24 THE WITNESS: Well, a qualified latent</p>
86	<p>1 search?</p> <p>2 A. Yes. I believe we would have complied</p> <p>3 with the order, but I -- I don't recall</p> <p>4 exactly.</p> <p>5 Q. You don't have an independent memory</p> <p>6 of doing that, but you would have complied</p> <p>7 with a court order; correct?</p> <p>8 A. Yes.</p> <p>9 MS. TARABISHY: You can take down the</p> <p>10 exhibit. Thank you.</p> <p>11 BY MS. TARABISHY:</p> <p>12 Q. When you run these AFIS searches, you</p> <p>13 conducted an independent examination of each</p> <p>14 of the tracings and the AFIS candidates to</p> <p>15 determine if there is a match; correct?</p> <p>16 MS. CANONIE: Objection; form.</p> <p>17 THE WITNESS: No, we -- I didn't go</p> <p>18 through all the candidates, no.</p> <p>19 BY MS. TARABISHY:</p> <p>20 Q. You would stop going through the</p> <p>21 candidates once you get a match; correct?</p> <p>22 A. Yes.</p> <p>23 Q. And a latent -- a second latent print</p> <p>24 examiner at the latent print unit corroborated</p>	88	<p>1 print examiner, qualified and trained latent</p> <p>2 print examiner.</p> <p>3 BY MS. TARABISHY:</p> <p>4 Q. Would you say he is highly skilled?</p> <p>5 A. Yes.</p> <p>6 Q. Are you highly confident in his work?</p> <p>7 MS. CANONIE: Objection; form.</p> <p>8 THE WITNESS: Yes.</p> <p>9 MS. TARABISHY: Can we look at</p> <p>10 Exhibit 214 again, please, the June 2009</p> <p>11 report?</p> <p>12 THE TECHNICIAN: One moment.</p> <p>13 BY MS. TARABISHY:</p> <p>14 Q. So, again, this is Bates Number City</p> <p>15 20581 to 20582.</p> <p>16 I'd like to go over each of the</p> <p>17 identifications that were made by you and</p> <p>18 Mr. Calvo in this case. Starting with the</p> <p>19 results for tracing number 12-2. Do you see</p> <p>20 the bottom of page 1?</p> <p>21 A. Yes.</p> <p>22 Q. 11578726 is the inventory number for</p> <p>23 the lifts that were impounded by the State's</p> <p>24 Attorney's Office; correct?</p>

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23 (89 to 92)

89	<p>1 MS. CANONIE: Objection; form.</p> <p>2 THE WITNESS: Yes.</p> <p>3 BY MS. TARABISHY:</p> <p>4 Q. And this report indicates that 12-2 is</p> <p>5 a ridge impression recovered from the hood of</p> <p>6 a green Pontiac Bonneville on the sales lot;</p> <p>7 correct?</p> <p>8 A. Yeah.</p> <p>9 Q. You ran an AFIS search for lift</p> <p>10 tracing number 12-2; correct?</p> <p>11 A. Yes.</p> <p>12 Q. And you conducted subsequent manual</p> <p>13 comparison?</p> <p>14 MS. CANONIE: Objection; form.</p> <p>15 THE WITNESS: Yes.</p> <p>16 BY MS. TARABISHY:</p> <p>17 Q. This resulted in identifying lift</p> <p>18 number 12-2 to the fingerprint standard</p> <p>19 bearing the name Davion Allen, IR number</p> <p>20 1170632. SID number 39123760; correct?</p> <p>21 A. Yes.</p> <p>22 Q. Latent print examiner Joseph Calvo</p> <p>23 independently conducted a manual comparison;</p> <p>24 correct?</p>	91	<p>1 document speaks for itself.</p> <p>2 THE WITNESS: Yes.</p> <p>3 BY MS. TARABISHY:</p> <p>4 Q. You run an AFIS search for lift</p> <p>5 tracing number 13A?</p> <p>6 A. Yes.</p> <p>7 Q. You conducted subsequent manual</p> <p>8 comparison?</p> <p>9 MS. CANONIE: Objection; form.</p> <p>10 THE WITNESS: Yes.</p> <p>11 BY MS. TARABISHY:</p> <p>12 Q. This resulted in identifying lift</p> <p>13 number 13A to the palm print standard bearing</p> <p>14 the name Davion Allen, IR number 1170632, SID</p> <p>15 number 39123760?</p> <p>16 MS. CANONIE: Objection; form.</p> <p>17 THE WITNESS: Yes.</p> <p>18 BY MS. TARABISHY:</p> <p>19 Q. Latent print examiner Joseph Calvo</p> <p>20 independently conducted a comparison?</p> <p>21 MS. CANONIE: Form.</p> <p>22 THE WITNESS: Yes.</p> <p>23 BY MS. TARABISHY:</p> <p>24 Q. And he concurred with your findings?</p>
90	<p>1 MS. CANONIE: Objection; form.</p> <p>2 THE WITNESS: Yes.</p> <p>3 BY MS. TARABISHY:</p> <p>4 Q. And he concurred with your findings?</p> <p>5 A. Yeah.</p> <p>6 Q. Meaning latent print 12-2 is a search</p> <p>7 match to Davion Allen?</p> <p>8 A. Yes.</p> <p>9 Q. We'll going over the same questions</p> <p>10 for the next lift, number 13A. First</p> <p>11 paragraph of the second page.</p> <p>12 A. Yes.</p> <p>13 Q. This has the same inventory number,</p> <p>14 11578726 as one of the 14 lifts received from</p> <p>15 the State's Attorneys Office; correct?</p> <p>16 A. Yes.</p> <p>17 Q. Lift 13A was recovered from the fender</p> <p>18 of a green Pontiac Bonneville on the sales</p> <p>19 lot; correct?</p> <p>20 A. Yes.</p> <p>21 Q. 13A is a palm print?</p> <p>22 MS. CANONIE: Object- --</p> <p>23 THE WITNESS: Yeah.</p> <p>24 MS. CANONIE: Objection; form,</p>	92	<p>1 A. Yes.</p> <p>2 Q. Meaning latent print 13A is a certain</p> <p>3 match to Davion Allen?</p> <p>4 MS. CANONIE: Objection; form.</p> <p>5 THE WITNESS: Yes.</p> <p>6 BY MS. TARABISHY:</p> <p>7 Q. Next is 14B. Again, same inventory</p> <p>8 number, 11578726; yes?</p> <p>9 A. Yes.</p> <p>10 Q. Recovered from driver's side front</p> <p>11 fender of green Pontiac Bonneville on sales</p> <p>12 lot?</p> <p>13 A. Yes.</p> <p>14 Q. 14B is also a palm print?</p> <p>15 MS. CANONIE: Objection; form,</p> <p>16 document speaks for -- report speaks for</p> <p>17 itself.</p> <p>18 THE WITNESS: Yes.</p> <p>19 BY MS. TARABISHY:</p> <p>20 Q. You run an AFIS search for lift</p> <p>21 tracing number 14B?</p> <p>22 MS. CANONIE: Objection; form.</p> <p>23 Document speaks for itself.</p> <p>24 THE WITNESS: Yeah.</p>

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24 (93 to 96)

93	<p>1 BY MS. TARABISHY:</p> <p>2 Q. And then you conducted manual</p> <p>3 comparison?</p> <p>4 MS. CANONIE: Form.</p> <p>5 THE WITNESS: Yes.</p> <p>6 BY MS. TARABISHY:</p> <p>7 Q. Your comparison resulted in</p> <p>8 identifying lift number 14B to the palm print</p> <p>9 standard bearing the name Davion Allen IR</p> <p>10 number 1170632, SID number 39123760?</p> <p>11 MS. CANONIE: Objection; form.</p> <p>12 THE WITNESS: Yes.</p> <p>13 BY MS. TARABISHY:</p> <p>14 Q. Latent print examiner Joseph Calvo</p> <p>15 independently conducted a comparison?</p> <p>16 MS. CANONIE: Objection; form.</p> <p>17 THE WITNESS: Yes.</p> <p>18 BY MS. TARABISHY:</p> <p>19 Q. And he concurred with your findings?</p> <p>20 A. Yes.</p> <p>21 Q. Meaning, latent print 14B was a</p> <p>22 certain match to Davion Allen?</p> <p>23 MS. CANONIE: Objection; form.</p> <p>24 THE WITNESS: Yes.</p>	95	<p>1 Q. Latent print examiner Joseph Calvo</p> <p>2 independently conducted a direct comparison?</p> <p>3 MS. CANONIE: Objection; form.</p> <p>4 THE WITNESS: Yes.</p> <p>5 BY MS. TARABISHY:</p> <p>6 Q. And he concurred with your findings?</p> <p>7 A. Yes.</p> <p>8 Q. Meaning latent print 15B was a certain</p> <p>9 match to Lamont Campbell?</p> <p>10 MS. CANONIE: Objection; form.</p> <p>11 THE WITNESS: Yes.</p> <p>12 MS. TARABISHY: You can take down this</p> <p>13 exhibit, and please pull up exhibit titled,</p> <p>14 "envelop of lifts." This was previously</p> <p>15 marked at the deposition of Dennis Stankus as</p> <p>16 Exhibit 94.</p> <p>17 (Indiscernible).</p> <p>18 THE WITNESS: This is -- I'll look</p> <p>19 at --</p> <p>20 THE COURT REPORTER: I can't hear --</p> <p>21 MS. TARABISHY: I think we might need</p> <p>22 the colored versions, because the markings on</p> <p>23 the lift are in different colors, and that was</p> <p>24 the way I was going to ask him to identify</p>
94	<p>1 BY MS. TARABISHY:</p> <p>2 Q. Next is 15B. Same inventory number,</p> <p>3 11578726; right?</p> <p>4 MS. CANONIE: Objection; form,</p> <p>5 document speaks for itself.</p> <p>6 THE WITNESS: Yes.</p> <p>7 BY MS. TARABISHY:</p> <p>8 Q. Recovered from passenger front</p> <p>9 exterior door latch on 1990 dual [phonetic]</p> <p>10 Pontiac, license plate DL5521?</p> <p>11 MS. CANONIE: Objection; form,</p> <p>12 document speaks for itself.</p> <p>13 THE WITNESS: Yes.</p> <p>14 BY MS. TARABISHY:</p> <p>15 Q. You ran an AFIS search for lift</p> <p>16 tracing number 15B?</p> <p>17 A. Yes.</p> <p>18 Q. And you conducted a manual comparison?</p> <p>19 A. Yes.</p> <p>20 Q. This resulted in identifying lift</p> <p>21 number 15B to the fingerprint standard bearing</p> <p>22 the name Lamont Campbell, IR number 1015321,</p> <p>23 SID number 32699760; correct?</p> <p>24 A. Yes.</p>	96	<p>1 the --</p> <p>2 MS. CANONIE: Yes. So I was just</p> <p>3 going to see if your -- is your exhibit --</p> <p>4 MS. TARABISHY: In color.</p> <p>5 MS. CANONIE: -- colored?</p> <p>6 MS. TARABISHY: Yeah.</p> <p>7 MS. CANONIE: Is it? Okay. I have it</p> <p>8 printed out for the colored version as well.</p> <p>9 Just give me one second. Let me see that.</p> <p>10 Noor, what is the Bates range of this</p> <p>11 exhibit?</p> <p>12 MS. TARABISHY: 20716 through 20729,</p> <p>13 14 page --</p> <p>14 MS. CANONIE: Thank you.</p> <p>15 We now have the colored version,</p> <p>16 thanks.</p> <p>17 MS. TARABISHY: Thank you.</p> <p>18 BY MS. TARABISHY:</p> <p>19 Q. Looking at page 2, Bates Number City</p> <p>20 20717. Do you recognize the envelope on</p> <p>21 page 2, Mr. Malone?</p> <p>22 A. Yeah.</p> <p>23 Q. What is it?</p> <p>24 A. That is one of the envelopes</p>

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25 (97 to 100)

97	<p>1 with -- which would have contained the lift as</p> <p>2 marked.</p> <p>3 Q. It has the case number for the double</p> <p>4 homicide investigation Z594269; right?</p> <p>5 A. Yes.</p> <p>6 Q. And it contains eight lifts total,</p> <p>7 four from 1992 Pontiac Illinois license</p> <p>8 DL5521, and four from green Pontiac Bonneville</p> <p>9 in lot?</p> <p>10 A. Yes.</p> <p>11 Q. And these are Joseph Calvo's initials</p> <p>12 and star number; correct?</p> <p>13 A. Yes.</p> <p>14 MS. CANONIE: Objection; form,</p> <p>15 document speaks for itself.</p> <p>16 THE WITNESS: Yes.</p> <p>17 BY MS. TARABISHY:</p> <p>18 Q. Let's look at page 3, Bates Number</p> <p>19 City 20718. Would this be the other side of</p> <p>20 the envelope?</p> <p>21 A. Yes. It should be, yes.</p> <p>22 Q. And that's a list of the identified</p> <p>23 prints contained in the envelope?</p> <p>24 A. Yes.</p>	99	<p>1 THE WITNESS: Yes.</p> <p>2 BY MS. TARABISHY:</p> <p>3 Q. Joseph Calvo wrote this?</p> <p>4 MS. CANONIE: Objection; form, calls</p> <p>5 for speculation.</p> <p>6 THE WITNESS: Yes.</p> <p>7 BY MS. TARABISHY:</p> <p>8 Q. And, again, in the lower right are his</p> <p>9 initials and star number?</p> <p>10 A. Yes.</p> <p>11 Q. And let's go to page 6 of the PDF</p> <p>12 document, Bates Number City 20721. And if you</p> <p>13 can, zoom into the upper half, please. Do you</p> <p>14 recognize this, Mr. Malone?</p> <p>15 A. Yes.</p> <p>16 Q. And what is it?</p> <p>17 MS. CANONIE: Okay. Yeah. Okay.</p> <p>18 THE WITNESS: Those are the latent</p> <p>19 lifts.</p> <p>20 BY MS. TARABISHY:</p> <p>21 Q. Let's start with the lift at the top.</p> <p>22 Do you see the small sticker in the upper left</p> <p>23 corner?</p> <p>24 A. Yes.</p>
98	<p>1 Q. For Davion Allen we have left and</p> <p>2 right palm, and finger number seven,</p> <p>3 impression from green Pontiac Bonneville on</p> <p>4 sales lot; correct?</p> <p>5 MS. CANONIE: Objection; form,</p> <p>6 document speaks for itself.</p> <p>7 THE WITNESS: Yeah.</p> <p>8 BY MS. TARABISHY:</p> <p>9 Q. And for Lemont Campbell, finger number</p> <p>10 one impression on '92 Pontiac at 2417 West</p> <p>11 70th Street; correct?</p> <p>12 MS. CANONIE: Objection; form,</p> <p>13 document speaks for itself.</p> <p>14 THE WITNESS: Yes.</p> <p>15 BY MS. TARABISHY:</p> <p>16 Q. Next to each identification there is</p> <p>17 "MM" and "JC." That indicates that you and</p> <p>18 Joseph Calvo made the identification; correct?</p> <p>19 A. Yes.</p> <p>20 Q. And the dates June 15, 2009, would</p> <p>21 that be the dates that you made the</p> <p>22 identification?</p> <p>23 MS. CANONIE: Objection; form,</p> <p>24 foundation.</p>	100	<p>1 Q. And in your experience, who would have</p> <p>2 created and placed that sticker on the lift?</p> <p>3 MS. CANONIE: Objection; form, calls</p> <p>4 for speculation, incomplete hypothetical.</p> <p>5 THE WITNESS: It -- the evidence</p> <p>6 technician.</p> <p>7 BY MS. TARABISHY:</p> <p>8 Q. What is the purpose of doing that?</p> <p>9 MS. CANONIE: Objection; form,</p> <p>10 foundation.</p> <p>11 THE WITNESS: To label -- no -- to</p> <p>12 tell -- to notate where he recovered the --</p> <p>13 this lift and these prints from.</p> <p>14 BY MS. TARABISHY:</p> <p>15 Q. The sticker has the case number for</p> <p>16 the double homicide investigation. Again,</p> <p>17 V594269; right?</p> <p>18 MS. CANONIE: Objection; form,</p> <p>19 foundation.</p> <p>20 THE WITNESS: Yes.</p> <p>21 BY MS. TARABISHY:</p> <p>22 Q. And it says [as read]:</p> <p>23 "Homicide, December 4,</p> <p>24 1994. 7004 South</p>

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26 (101 to 104)

101	<p>1 Western."</p> <p>2 Do you see that?</p> <p>3 A. Yes.</p> <p>4 Q. Driver side front fender of green</p> <p>5 Pontiac Bonneville on sales lot?</p> <p>6 A. Yes.</p> <p>7 Q. So this describes the origin of the</p> <p>8 latent print lift on this slide?</p> <p>9 A. Yes.</p> <p>10 Q. Do you see the writing in blue?</p> <p>11 A. Yes.</p> <p>12 Q. Is this your handwriting?</p> <p>13 A. Yes.</p> <p>14 Q. Can you read what it says, please?</p> <p>15 A. Yes. [As read]:</p> <p>16 "IDENT right palm. Davion</p> <p>17 Allen. IR number 1170632,</p> <p>18 15, June '09."</p> <p>19 My initials, my star number, and</p> <p>20 14A-B, and "right palm," and my initials with</p> <p>21 Joe Calvo's initials, initials under mine.</p> <p>22 Q. Where it says 14A-B, does that</p> <p>23 indicate this lift contains latent prints 14A</p> <p>24 and 14B?</p>	103
102	<p>1 BY MS. TARABISHY:</p> <p>2 Q. And for the examiners to place their</p> <p>3 initials on the lift after making or</p> <p>4 corroborating an identification?</p> <p>5 A. Yes.</p> <p>6 Q. Would a latent print examiner make any</p> <p>7 notations on the lift if no identification was</p> <p>8 made?</p> <p>9 MS. CANONIE: Objection; form,</p> <p>10 foundation, incomplete hypothetical, calls for</p> <p>11 speculation.</p> <p>12 BY MS. TARABISHY:</p> <p>13 Q. You can answer.</p> <p>14 A. Oh, yes. In some -- some instances,</p> <p>15 yes.</p> <p>16 Q. What would you -- would you indicate</p> <p>17 on the lift that no identification was made?</p> <p>18 MS. CANONIE: Objection; form.</p> <p>19 THE WITNESS: No. You would -- you</p> <p>20 may put the word "open" either with some kind</p> <p>21 of an arrow indicating the location of the</p> <p>22 print on the lift.</p> <p>23 BY MS. TARABISHY:</p> <p>24 Q. "Open" means an unidentified print?</p>	104
102	<p>1 MS. CANONIE: Objection; form.</p> <p>2 THE WITNESS: I -- yes, to the best of</p> <p>3 my recollection.</p> <p>4 BY MS. TARABISHY:</p> <p>5 Q. Your initials on this lift indicate</p> <p>6 that you made an identification; correct?</p> <p>7 A. Yes.</p> <p>8 Q. Joseph Calvo's initials indicate that</p> <p>9 he corroborated your identification?</p> <p>10 A. Yes.</p> <p>11 Q. So lift 14B was independently examined</p> <p>12 by you and Joseph Calvo; correct?</p> <p>13 A. Yes.</p> <p>14 Q. And both of you reached the conclusion</p> <p>15 that the latent print on this lift matches</p> <p>16 Davion Allen's right palm?</p> <p>17 A. Yes.</p> <p>18 Q. Was it the practice of the latent</p> <p>19 print unit in 2009 for examiners to summarize</p> <p>20 the identification made on the lift itself in</p> <p>21 the manner that you and Mr. Calvo did?</p> <p>22 MS. CANONIE: Objection; form.</p> <p>23 THE WITNESS: Yes.</p> <p>24</p>	104
104	<p>1 A. Yes, an open unidentified impression,</p> <p>2 a print, yes.</p> <p>3 Q. Let's look at the slide on the bottom</p> <p>4 of the page. I'll read again what's on the</p> <p>5 right sticker [as read]:</p> <p>6 "Z594269, homicide.</p> <p>7 December 4, 1995. 7004</p> <p>8 South Western. Fender of</p> <p>9 a green Pontiac Bonneville</p> <p>10 on sales lot."</p> <p>11 This describes the origin of the</p> <p>12 latent print lift; correct?</p> <p>13 MS. CANONIE: Objection; form,</p> <p>14 foundation, document speaks for itself.</p> <p>15 THE WITNESS: Yes.</p> <p>16 BY MS. TARABISHY:</p> <p>17 Q. And the writing in blue is, again,</p> <p>18 your handwriting; correct?</p> <p>19 A. Yes.</p> <p>20 Q. It says [as read]:</p> <p>21 "Identified left palm</p> <p>22 Davion Allen, IR number</p> <p>23 1170632, June 15, 2009."</p> <p>24 And then it has your initials and star</p>	104

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27 (105 to 108)

105	<p>1 number; correct?</p> <p>2 MS. CANONIE: Objection; document</p> <p>3 speaks for itself.</p> <p>4 THE WITNESS: Yes.</p> <p>5 BY MS. TARABISHY:</p> <p>6 Q. Then it says "13A"?</p> <p>7 A. Yes.</p> <p>8 Q. So the lift here is numbered 13A?</p> <p>9 A. Yes.</p> <p>10 Q. So we're at the middle, it says left</p> <p>11 palm; right?</p> <p>12 Next to your initials?</p> <p>13 A. Yes, yes.</p> <p>14 Q. And this indicates that you made an</p> <p>15 identification?</p> <p>16 A. Yes.</p> <p>17 Q. And then it has "JC" for Joseph Calvo?</p> <p>18 A. Yes.</p> <p>19 Q. Which indicates he corroborated the</p> <p>20 identification?</p> <p>21 A. Yes.</p> <p>22 Q. So lift 13A was independently examined</p> <p>23 by you and Joseph Calvo?</p> <p>24 MS. CANONIE: Objection; form.</p>	107	<p>1 THE WITNESS: Yes.</p> <p>2 BY MS. TARABISHY:</p> <p>3 Q. And the writing in blue is yours;</p> <p>4 correct?</p> <p>5 A. Yes.</p> <p>6 Q. In the upper right corner it says,</p> <p>7 "12-2"?</p> <p>8 A. Yes.</p> <p>9 Q. This is the lift number?</p> <p>10 MS. CANONIE: Objection; form.</p> <p>11 THE WITNESS: Yes.</p> <p>12 BY MS. TARABISHY:</p> <p>13 Q. Then it says [as read]:</p> <p>14 "Identified finger number</p> <p>15 seven, Davion Allen. IR</p> <p>16 number 1176032, 15, June,</p> <p>17 2009."</p> <p>18 Correct?</p> <p>19 A. Yes.</p> <p>20 Q. And then it has your initials and star</p> <p>21 number?</p> <p>22 A. Yes.</p> <p>23 Q. And toward the bottom it says in blue,</p> <p>24 again, the number seven?</p>
106	<p>1 THE WITNESS: Yes.</p> <p>2 BY MS. TARABISHY:</p> <p>3 Q. And both of you reached the conclusion</p> <p>4 that latent print 13A matches Davion Allen's</p> <p>5 left palm?</p> <p>6 MS. CANONIE: Form.</p> <p>7 THE WITNESS: Yes.</p> <p>8 BY MS. TARABISHY:</p> <p>9 Q. Let's go down to page 10 of the PDF</p> <p>10 file, please. Bates Number City 20725, and</p> <p>11 we'll go through the same questions.</p> <p>12 Are you on page 10?</p> <p>13 A. Yes.</p> <p>14 Q. And the white sticker in the</p> <p>15 upper-left corner says [as read]:</p> <p>16 "Z594269. Homicide,</p> <p>17 December 4, 1995, 7004</p> <p>18 South Western. Hood of</p> <p>19 vehicle, green Pontiac</p> <p>20 Bonneville on sales lot."</p> <p>21 This describes the origin of the</p> <p>22 latent print on this lift; correct?</p> <p>23 MS. CANONIE: Objection; form,</p> <p>24 document speaks for itself.</p>	108	<p>1 A. Yes.</p> <p>2 Q. Which finger is that?</p> <p>3 A. Number seven is the left index finger.</p> <p>4 Q. Then the initials "MM" indicating you</p> <p>5 made this identification; correct?</p> <p>6 A. Yes.</p> <p>7 Q. And the initials "JC," indicating</p> <p>8 Joseph Calvo corroborated the identification?</p> <p>9 A. Yes.</p> <p>10 Q. Lift 12-2 was independently examined</p> <p>11 by you and Joseph Calvo; correct?</p> <p>12 MS. CANONIE: Objection; form.</p> <p>13 THE WITNESS: Yes.</p> <p>14 BY MS. TARABISHY:</p> <p>15 Q. And both of you reached the conclusion</p> <p>16 that latent print 12-2 matches Davion Allen's</p> <p>17 left index finger?</p> <p>18 MS. CANONIE: Form.</p> <p>19 THE WITNESS: Yes.</p> <p>20 BY MS. TARABISHY:</p> <p>21 Q. I have one more page to go over in</p> <p>22 this exhibit, page 13 of the PDF file, Bates</p> <p>23 Number City 20728.</p> <p>24 A. Yes.</p>

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28 (109 to 112)

109	<p>1 Q. The white sticker says [as read]:</p> <p>2 "Z594269, homicide,</p> <p>3 December 4, 1995, 7004</p> <p>4 South Western. Passenger</p> <p>5 front exterior door latch,</p> <p>6 '92 Pontiac. License</p> <p>7 number DL5521 at 2417 West</p> <p>8 70th Street.</p> <p>9 This is the origin of a latent print</p> <p>10 on this lift; correct?</p> <p>11 MS. CANONIE: Objection; form,</p> <p>12 document speaks for itself.</p> <p>13 THE WITNESS: Yes.</p> <p>14 BY MS. TARABISHY:</p> <p>15 Q. And the writing in blue is your</p> <p>16 handwriting; correct?</p> <p>17 A. Yes.</p> <p>18 Q. In the upper right corner it says</p> <p>19 "15B," do you see that?</p> <p>20 A. Yes.</p> <p>21 Q. This is lift number 15B?</p> <p>22 A. Yes.</p> <p>23 Q. And vertically along the right side of</p> <p>24 this -- of the lift we have the following in</p>	111	<p>1 Q. So lift 15B was independently examined</p> <p>2 by you and Joseph Calvo?</p> <p>3 MS. CANONIE: Objection form.</p> <p>4 THE WITNESS: Yes.</p> <p>5 BY MS. TARABISHY:</p> <p>6 Q. And both of you reached the conclusion</p> <p>7 that the latent print 15B matches Lamont</p> <p>8 Campbell's right thumb?</p> <p>9 MS. CANONIE: Object to form.</p> <p>10 THE WITNESS: Yes.</p> <p>11 MS. TARABISHY: You can take down this</p> <p>12 exhibit. And please pull up Exhibit 214,</p> <p>13 again, the June 2019 report.</p> <p>14 Pull up the first page, please, Bates</p> <p>15 Number City 20581.</p> <p>16 BY MS. TARABISHY:</p> <p>17 Q. Looking at the second-to-last</p> <p>18 paragraph, 1584551 was the inventory number</p> <p>19 for the nine negatives that were in the latent</p> <p>20 print unit's possession. Those were referred</p> <p>21 in the court order that we looked at earlier;</p> <p>22 correct?</p> <p>23 MS. CANONIE: Objection; form.</p> <p>24 THE WITNESS: Yes.</p>
110	<p>1 blue [as read]:</p> <p>2 "Identified finger number</p> <p>3 one, Lamont Campbell, IR</p> <p>4 number 101532115,</p> <p>5 June 2009."</p> <p>6 Right?</p> <p>7 A. Yes.</p> <p>8 Q. And these are your initials?</p> <p>9 A. Yes.</p> <p>10 Q. And star number?</p> <p>11 A. Yes.</p> <p>12 Q. To the left of the lift it says</p> <p>13 "number one." Which finger is that?</p> <p>14 A. The right thumb.</p> <p>15 Q. And then your initials, "MM"?</p> <p>16 A. Yes.</p> <p>17 Q. This indicates that you made the</p> <p>18 identification?</p> <p>19 A. Yes.</p> <p>20 Q. And then the initials "JC"?</p> <p>21 A. Yes.</p> <p>22 Q. And this indicates that Joseph Calvo</p> <p>23 corroborated your identification?</p> <p>24 A. Yes.</p>	112	<p>1 BY MS. TARABISHY:</p> <p>2 Q. Latent print 1A was recovered from a</p> <p>3 black and orange sticker?</p> <p>4 A. Yes.</p> <p>5 Q. Do you have any knowledge about the</p> <p>6 method used to develop this print back in '95?</p> <p>7 MS. CANONIE: Objection; form.</p> <p>8 THE WITNESS: No.</p> <p>9 BY MS. TARABISHY:</p> <p>10 Q. You ran an AFIS search for latent</p> <p>11 print number 1A; correct?</p> <p>12 A. Yes.</p> <p>13 Q. Then you conducted a manual</p> <p>14 comparison?</p> <p>15 MS. CANONIE: Objection; form.</p> <p>16 THE WITNESS: Yes.</p> <p>17 BY MS. TARABISHY:</p> <p>18 Q. This resulted in identifying latent</p> <p>19 print number 1A to the fingerprint standard</p> <p>20 bearing the name Davion Allen, IR number</p> <p>21 1170632, SID number 39123760; correct?</p> <p>22 A. Yes.</p> <p>23 Q. Latent print examiner Joseph Calvo</p> <p>24 independently conducted a comparison?</p>

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29 (113 to 116)

<p style="text-align: right;">113</p> <p>1 MS. CANONIE: Objection; form.</p> <p>2 THE WITNESS: Yes.</p> <p>3 BY MS. TARABISHY:</p> <p>4 Q. And he concurred with your findings?</p> <p>5 A. Yes.</p> <p>6 Q. Meaning latent print 1A is a certain</p> <p>7 match to Davion Allen?</p> <p>8 MS. CANONIE: Objection; form.</p> <p>9 THE WITNESS: Yeah.</p> <p>10 BY MS. TARABISHY:</p> <p>11 Q. Let's go to the next page, please.</p> <p>12 A. Yes.</p> <p>13 Q. Toward the end of the report it says</p> <p>14 [as read]:</p> <p>15 "The open sortable latent</p> <p>16 impressions recording</p> <p>17 under lift tracing numbers</p> <p>18 1B, 2A, 5A, 7A, 8A, 8C,</p> <p>19 11-2, 14A were submitted</p> <p>20 to AFIS/APIS with negative</p> <p>21 results."</p> <p>22 Can you explain what this means?</p> <p>23 A. Yes. That -- yes, these are the</p> <p>24 impressions on those -- on those particular</p>	<p style="text-align: right;">115</p> <p>1 MS. CANONIE: Objection; form,</p> <p>2 foundation.</p> <p>3 THE WITNESS: If we had their</p> <p>4 elimination print standards we would have.</p> <p>5 BY MS. TARABISHY:</p> <p>6 Q. But you do not have an independent</p> <p>7 memory of doing that?</p> <p>8 A. No. Not exactly, no.</p> <p>9 Q. Mr. Moses did not send tracings of all</p> <p>10 the latent prints that you scanned and sent to</p> <p>11 him; correct?</p> <p>12 MS. CANONIE: Objection; form,</p> <p>13 foundation.</p> <p>14 THE WITNESS: I don't recall.</p> <p>15 BY MS. TARABISHY:</p> <p>16 Q. In the court order that we looked at</p> <p>17 there were 14 lifts and nine negatives;</p> <p>18 correct?</p> <p>19 A. Fourteen lifts and nine negatives.</p> <p>20 Oh, yes. Uh-huh.</p> <p>21 Q. And this report indicates that you</p> <p>22 received 13 tracings from Mr. Moses?</p> <p>23 A. Yes.</p> <p>24 Q. Does that indicate to you that there</p>
<p style="text-align: right;">114</p> <p>1 lifts or tracings were submitted to AFIS or</p> <p>2 APIS, if they were palm prints, AFIS if they</p> <p>3 were fingerprints, with negative results,</p> <p>4 meaning there was not a match with respect to</p> <p>5 the candidate list supplied to AFIS from AFIS.</p> <p>6 Q. For these latent impressions that did</p> <p>7 not result in an AFIS hit, did you conduct any</p> <p>8 direct comparisons to known standards?</p> <p>9 MS. CANONIE: Objection; form.</p> <p>10 BY MS. TARABISHY:</p> <p>11 Q. Other than the ones generated by AFIS?</p> <p>12 MS. CANONIE: Objection; form.</p> <p>13 THE WITNESS: They would have been</p> <p>14 compared to the print standards of the -- the</p> <p>15 individuals listed above. There were -- that</p> <p>16 were identified through AFIS.</p> <p>17 BY MS. TARABISHY:</p> <p>18 Q. So you would have compared each of</p> <p>19 these latent impressions to Davion Allen and</p> <p>20 Lamont Campbell?</p> <p>21 A. Yes.</p> <p>22 Q. Did you also compare each of these to</p> <p>23 the known standards for the two victims in</p> <p>24 this case?</p>	<p style="text-align: right;">116</p> <p>1 were some latent prints for which Mr. Moses</p> <p>2 did not send back a tracing?</p> <p>3 A. Is that -- that's -- yes, that's</p> <p>4 possible, yes.</p> <p>5 Q. For the latent impressions that</p> <p>6 Mr. Moses did not trace, did you conduct any</p> <p>7 examination to determine if those prints were</p> <p>8 suitable for comparison or suitable for AFIS?</p> <p>9 MS. CANONIE: Objection; form.</p> <p>10 THE WITNESS: Yes. We would have</p> <p>11 examined all the prints, yes.</p> <p>12 BY MS. TARABISHY:</p> <p>13 Q. Would you -- would you have ran a</p> <p>14 report indicating which prints you determined</p> <p>15 were suitable for comparison or suitable for</p> <p>16 AFIS?</p> <p>17 MS. CANONIE: Objection; form,</p> <p>18 incomplete -- calls for speculation,</p> <p>19 incomplete hypothetical.</p> <p>20 THE WITNESS: I do not recall that.</p> <p>21 BY MS. TARABISHY:</p> <p>22 Q. You've already identified for us your</p> <p>23 signature at the bottom of this page. Did you</p> <p>24 author this report?</p>

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30 (117 to 120)

117	<p>1 A. Yes.</p> <p>2 Q. And your signature indicates that this</p> <p>3 report is true and accurate to the best of</p> <p>4 your knowledge; correct?</p> <p>5 A. Yes.</p> <p>6 Q. And that you followed proper</p> <p>7 procedures in your examination?</p> <p>8 MS. CANONIE: Objection; form.</p> <p>9 THE WITNESS: Yes.</p> <p>10 BY MS. TARABISHY:</p> <p>11 Q. And that you are highly confident of</p> <p>12 the identifications that you made?</p> <p>13 A. Yes.</p> <p>14 Q. What is your degree of confidence in</p> <p>15 these identifications?</p> <p>16 MS. CANONIE: Objection; form.</p> <p>17 THE WITNESS: Yes, I'm confident and</p> <p>18 100 percent sure that the identifications made</p> <p>19 were true.</p> <p>20 BY MS. TARABISHY:</p> <p>21 Q. This report is dated June 15, 2009.</p> <p>22 Do you see that?</p> <p>23 A. Yes.</p> <p>24 Q. And that was the same dates on the</p>	119	<p>1 BY MS. TARABISHY:</p> <p>2 Q. Do you remember when you received that</p> <p>3 report?</p> <p>4 A. No.</p> <p>5 MS. TARABISHY: Would you please pull</p> <p>6 up exhibit titled, "June 2009 addendum." This</p> <p>7 was previously marked as Exhibit 216 at the</p> <p>8 deposition of Gary Simon, and this is a 1-page</p> <p>9 PDF Bates stamped City 20583.</p> <p>10 MS. CANONIE: One second. I'm not</p> <p>11 seeing...</p> <p>12 THE WITNESS: You just have to enlarge</p> <p>13 it.</p> <p>14 MS. CANONIE: Can you enlarge it and</p> <p>15 we can read it off -- oh, I found it. Here it</p> <p>16 is.</p> <p>17 THE WITNESS: Oh, okay. They enlarged</p> <p>18 it. Okay.</p> <p>19 MS. CANONIE: Thank you.</p> <p>20 THE WITNESS: All right.</p> <p>21 Okay. Yes.</p> <p>22 BY MS. TARABISHY:</p> <p>23 Q. Do you recognize this document?</p> <p>24 A. Yes.</p>
118	<p>1 blue markings on the lifts that we just looked</p> <p>2 at in the previous exhibit; correct?</p> <p>3 A. I don't recall. I would have to look</p> <p>4 back at those, but...</p> <p>5 Q. You can look back if you want to,</p> <p>6 if...</p> <p>7 A. Yes, mm-hmm.</p> <p>8 Q. So June 15, 2009, was the day that you</p> <p>9 made all of these identifications?</p> <p>10 A. Oh.</p> <p>11 MS. CANONIE: Objection; form.</p> <p>12 THE WITNESS: I'd have to look through</p> <p>13 them, refresh my memory.</p> <p>14 Yes.</p> <p>15 MS. TARABISHY: You can take down this</p> <p>16 exhibit. Thank you.</p> <p>17 BY MS. TARABISHY:</p> <p>18 Q. Did you receive a report of the</p> <p>19 findings made by fingerprint expert Ken Moses?</p> <p>20 MS. CANONIE: Objection; form.</p> <p>21 THE WITNESS: I believe -- I believe</p> <p>22 so, yes. I believe we received the report</p> <p>23 from Mr. Moses.</p> <p>24</p>	120	<p>1 Q. And what is it?</p> <p>2 A. A report summarizing defense expert</p> <p>3 Kenneth Moses's findings.</p> <p>4 Q. This document is summarizing Ken</p> <p>5 Moses's findings, is that what you said?</p> <p>6 A. Yes.</p> <p>7 Q. I'll give you a minute just to read</p> <p>8 through this first paragraph.</p> <p>9 A. Yes, mm-hmm. Okay.</p> <p>10 Q. Do you see your signature anywhere in</p> <p>11 this document?</p> <p>12 A. Yes.</p> <p>13 MS. TARABISHY: Can you scroll down,</p> <p>14 please to the signature area? Thank you.</p> <p>15 BY MS. TARABISHY:</p> <p>16 Q. And that's above the line where it</p> <p>17 says [as read]:</p> <p>18 "Examined by latent print</p> <p>19 examiner Michael Malone,</p> <p>20 Star number 10389"</p> <p>21 A. Yes.</p> <p>22 Q. Do you see Joseph Calvo's signature on</p> <p>23 this document?</p> <p>24 A. Yes.</p>

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31 (121 to 124)

121	<p>1 Q. And that's under your own signature;</p> <p>2 correct?</p> <p>3 A. Yes.</p> <p>4 Q. Can you read the date on this</p> <p>5 document?</p> <p>6 MS. TARABISHY: If you can, go back</p> <p>7 up, please.</p> <p>8 THE WITNESS: Yes. 23, June 2009.</p> <p>9 BY MS. TARABISHY:</p> <p>10 Q. And does reading this document refresh</p> <p>11 your recollection on when the latent print</p> <p>12 unit received the report of findings by</p> <p>13 Mr. Moses?</p> <p>14 A. Yes.</p> <p>15 Q. When was that?</p> <p>16 A. 23, June 2009.</p> <p>17 Q. Is that the date of the report or the</p> <p>18 date of -- if you can, read the first sentence</p> <p>19 of the report itself?</p> <p>20 A. Yes. [As read]:</p> <p>21 "On 18, June 2009, the</p> <p>22 Chicago Police Department,</p> <p>23 the latent unit, received</p> <p>24 a report from professor</p>	123	<p>1 same matches as you and Mr. Calvo?</p> <p>2 MS. CANONIE: Objection; form,</p> <p>3 foundation.</p> <p>4 THE WITNESS: I'm sorry. I don't</p> <p>5 understand that question. Could you repeat</p> <p>6 that one, please?</p> <p>7 BY MS. TARABISHY:</p> <p>8 Q. Sure.</p> <p>9 Ken Moses independently found the same</p> <p>10 matches that you and Mr. Calvo did; correct?</p> <p>11 MS. CANONIE: Objection; form,</p> <p>12 foundation.</p> <p>13 THE WITNESS: Well, that isn't</p> <p>14 indicated. I -- we sent him our -- the result</p> <p>15 of our findings and -- and unless he didn't</p> <p>16 agree with it or something, we had no</p> <p>17 indication other than this report.</p> <p>18 BY MS. TARABISHY:</p> <p>19 Q. According to this report, Mr. Moses's</p> <p>20 own report included the five identifications</p> <p>21 that were made by you and Mr. Calvo; correct?</p> <p>22 MS. CANONIE: [Inaudible].</p> <p>23 THE COURT REPORTER: I'm sorry? I</p> <p>24 didn't hear you, Ms. Canonie.</p>
122	<p>1 Steven A. Drizen</p> <p>2 summarizing defense expert</p> <p>3 Kenneth R Moses's</p> <p>4 findings."</p> <p>5 Q. So you received Mr. Moses's findings</p> <p>6 on June 18th; correct?</p> <p>7 A. Yes.</p> <p>8 Q. And this was three days after you and</p> <p>9 Mr. Calvo made your identifications; correct?</p> <p>10 A. You said three days?</p> <p>11 MS. CANONIE: Objection.</p> <p>12 BY MS. TARABISHY:</p> <p>13 Q. Yes. The documents we looked at</p> <p>14 before, you dated your identifications</p> <p>15 June 15, 2009. And this document indicates</p> <p>16 that you received Mr. Moses's report on</p> <p>17 June 19 of 2009.</p> <p>18 MS. CANONIE: I'm going to object to</p> <p>19 the form because not all identifications are</p> <p>20 in that exhibit.</p> <p>21 THE WITNESS: 15, June 2009 was</p> <p>22 correct, three days after, yeah.</p> <p>23 BY MS. TARABISHY:</p> <p>24 Q. So Ken Moses independently found the</p>	124	<p>1 MS. CANONIE: I said have him read.</p> <p>2 He's confused on what you're asking.</p> <p>3 THE WITNESS: Yes. An additional</p> <p>4 identification was included on report with his</p> <p>5 findings, yes.</p> <p>6 BY MS. TARABISHY:</p> <p>7 Q. And this additional identification was</p> <p>8 made from lift tracing number 7A, ridge</p> <p>9 impression from green sticker luxury car;</p> <p>10 correct?</p> <p>11 A. Yes.</p> <p>12 Q. And it identified Khaled Ibrahim, one</p> <p>13 of the victims in this case; correct?</p> <p>14 A. Yes.</p> <p>15 Q. After receiving this additional</p> <p>16 identification and Mr. Moses's report, did you</p> <p>17 and Joseph Calvo conduct an independent</p> <p>18 examination of lift tracing number 7A?</p> <p>19 A. Yes.</p> <p>20 Q. And you verified the identification of</p> <p>21 Khaled Ibrahim?</p> <p>22 A. Yes.</p> <p>23 MS. TARABISHY: We're done with this</p> <p>24 exhibit. Thank you.</p>

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32 (125 to 128)

125	<p>1 Could we take a quick ten-minute</p> <p>2 break, please?</p> <p>3 THE VIDEOGRAPHER: We are going off</p> <p>4 the record at 12:37.</p> <p>5 (Whereupon, a recess was</p> <p>6 had.)</p> <p>7 THE VIDEOGRAPHER: We are back on the</p> <p>8 record at 12:53.</p> <p>9 BY MS. TARABISHY:</p> <p>10 Q. Mr. Malone, you said that when you</p> <p>11 received this case assignment you were given a</p> <p>12 court order and a case jacket; correct?</p> <p>13 A. Yes.</p> <p>14 Q. And that case jacket contained crime</p> <p>15 scene processing reports, lifts, and</p> <p>16 negatives; correct?</p> <p>17 MS. CANONIE: Objection; form,</p> <p>18 mischaracterizes the testimony.</p> <p>19 THE WITNESS: Yes.</p> <p>20 BY MS. TARABISHY:</p> <p>21 Q. Did you look at that material in that</p> <p>22 case jacket before you started your work on</p> <p>23 this case?</p> <p>24 MS. CANONIE: Objection; form.</p>	127	<p>1 Q. So the case jacket itself has some</p> <p>2 writing on it. Is that what you're saying?</p> <p>3 A. Yes, it would have --</p> <p>4 Q. And -- and you reviewed that writing</p> <p>5 as part of your initial review of the case</p> <p>6 material?</p> <p>7 MS. CANONIE: Objection; form,</p> <p>8 mischaracterizes prior testimony.</p> <p>9 THE WITNESS: Yes. I would have</p> <p>10 reviewed -- or looked at the jacket.</p> <p>11 MS. TARABISHY: Let's pull up</p> <p>12 exhibit titled, "envelope of negatives"</p> <p>13 previously marked as Exhibit 217 at the</p> <p>14 deposition of Carey Simon.</p> <p>15 MS. CANONIE: Noor, one second. I'm</p> <p>16 going to the -- do you want the colored</p> <p>17 version as well?</p> <p>18 MS. TARABISHY: Yes, please.</p> <p>19 BY MS. TARABISHY:</p> <p>20 Q. This is a 15-page PDF consecutively</p> <p>21 Bates stamped City 20766 through 20780.</p> <p>22 MS. TARABISHY: Can we zoom in a</p> <p>23 little bit, please? Thank you.</p> <p>24 MS. CANONIE: 20766 to 20780?</p>
126	<p>1 THE WITNESS: I'm sorry. What was</p> <p>2 that? Can you repeat that one, please?</p> <p>3 BY MS. TARABISHY:</p> <p>4 Q. Did you review the materials in the</p> <p>5 case jacket before you started your own work</p> <p>6 on the case?</p> <p>7 MS. CANONIE: Objection; form.</p> <p>8 THE WITNESS: Yes.</p> <p>9 BY MS. TARABISHY:</p> <p>10 Q. You did so to determine what work was</p> <p>11 done on the case before it was handed to you?</p> <p>12 MS. CANONIE: Objection; form,</p> <p>13 foundation.</p> <p>14 THE WITNESS: No.</p> <p>15 BY MS. TARABISHY:</p> <p>16 Q. So what is the reason you looked</p> <p>17 through the material in the case jacket?</p> <p>18 A. Just to see what material was</p> <p>19 involved, what we were -- I had to work with.</p> <p>20 Q. Did you look at what identifications</p> <p>21 were made at that time of the original case in</p> <p>22 1995?</p> <p>23 A. That would have been on the case</p> <p>24 jacket. So I probably would have noticed it.</p>	128	<p>1 MS. TARABISHY: Yes.</p> <p>2 BY MS. TARABISHY:</p> <p>3 Q. Do you recognize this envelope on the</p> <p>4 first page?</p> <p>5 A. Yes.</p> <p>6 Q. And what is it?</p> <p>7 A. The envelope which we would have made</p> <p>8 for the nine negatives.</p> <p>9 Q. It has the case number for the double</p> <p>10 homicide investigation is Z594269; correct?</p> <p>11 MS. CANONIE: Objection; foundation.</p> <p>12 THE WITNESS: Yes.</p> <p>13 BY MS. TARABISHY:</p> <p>14 Q. And it contains nine negatives from</p> <p>15 stickers?</p> <p>16 A. Yes.</p> <p>17 Q. It indicates that two of these</p> <p>18 negatives are duplicates?</p> <p>19 A. Yes.</p> <p>20 Q. And what does that mean?</p> <p>21 A. Two of them would have been, you know,</p> <p>22 the same.</p> <p>23 Q. So they would have been identical</p> <p>24 images of the same print?</p>

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33 (129 to 132)

129	<p>1 A. Yes.</p> <p>2 MS. TARABISHY: Can you scroll down a</p> <p>3 little bit, please?</p> <p>4 BY MS. TARABISHY:</p> <p>5 Q. At the bottom of the envelope these</p> <p>6 are Joseph Calvo's initials and star number.</p> <p>7 A. Yes.</p> <p>8 MS. TARABISHY: Let's go to page 7 of</p> <p>9 the exhibit, Bates Number City 20772.</p> <p>10 BY MS. TARABISHY:</p> <p>11 Q. At the bottom of --</p> <p>12 A. Yes.</p> <p>13 Q. -- the negative it says in blue</p> <p>14 "1A-B"?</p> <p>15 A. Yes.</p> <p>16 Q. So this negative contains latent</p> <p>17 prints numbered 1A and 1B?</p> <p>18 A. Yes.</p> <p>19 Q. And there's a small sticker</p> <p>20 identifying the negative. Do you see that?</p> <p>21 A. There are two small stickers. Which</p> <p>22 one are you --</p> <p>23 Q. I'm sorry.</p> <p>24 A. -- referring to?</p>	131
130	<p>1 Q. The one in the lower portion that says</p> <p>2 December 5, 1995.</p> <p>3 A. Yes, mm-hmm.</p> <p>4 Q. And it says [as read]:</p> <p>5 "Homicide Z594269.</p> <p>6 Inventory number 1584551,</p> <p>7 black and orange sticker."</p> <p>8 A. Yes.</p> <p>9 Q. So the print on this negative came</p> <p>10 from a black and orange sticker?</p> <p>11 MS. CANONIE: Objection; form,</p> <p>12 document speaks for itself.</p> <p>13 THE WITNESS: Yes.</p> <p>14 BY MS. TARABISHY:</p> <p>15 Q. Can you see the writing in the lower</p> <p>16 portion and in the margin in a purple or blue</p> <p>17 ink?</p> <p>18 A. Yes, mm-hmm.</p> <p>19 Q. Did you write this?</p> <p>20 A. Yes. In the blue ink, yes.</p> <p>21 Q. There's a half circle in the lower</p> <p>22 portion of the negative with "1A" written</p> <p>23 above it. Do you see that next to the white</p> <p>24 X --</p>	132
	<p>1 (Indiscernible simultaneous</p> <p>2 colloquy.)</p> <p>3 BY MS. TARABISHY:</p> <p>4 Q. Just under the white X?</p> <p>5 A. Yes.</p> <p>6 Q. What does this half circle indicate?</p> <p>7 A. That that's impress- -- the</p> <p>8 impression marked 1A.</p> <p>9 Q. So this half circle surrounds the</p> <p>10 impression 1A?</p> <p>11 A. Yes.</p> <p>12 Q. Right above that half circle it has</p> <p>13 the number "1" and then we have your initials.</p> <p>14 Do you see that?</p> <p>15 A. Yes.</p> <p>16 Q. The number 1 means this is the right</p> <p>17 thumb?</p> <p>18 A. Yes.</p> <p>19 Q. And your initials here indicate you</p> <p>20 made the identification?</p> <p>21 A. Yes.</p> <p>22 Q. And under that are Joseph Calvo's</p> <p>23 initials?</p> <p>24 A. Yes.</p>	

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34 (133 to 136)

133	<p>1 right thumb?</p> <p>2 MS. CANONIE: Objection; form.</p> <p>3 THE WITNESS: Yes.</p> <p>4 BY MS. TARABISHY:</p> <p>5 Q. Do you see the yellow Post-it note in</p> <p>6 the upper left corner?</p> <p>7 MS. TARABISHY: If you can zoom out,</p> <p>8 please.</p> <p>9 THE WITNESS: Yes.</p> <p>10 BY MS. TARABISHY:</p> <p>11 Q. Do you know who created the Post-it</p> <p>12 note?</p> <p>13 A. I did.</p> <p>14 Q. And what is the reason that you did</p> <p>15 that?</p> <p>16 A. Just to notate it.</p> <p>17 Q. So on that yellow Post-it note you</p> <p>18 indicate that for latent print 1A you had an</p> <p>19 AFIS system hit for Davion Allen's finger</p> <p>20 number one; correct?</p> <p>21 A. Yes.</p> <p>22 Q. But for latent print 1B, there was no</p> <p>23 hit; correct?</p> <p>24 A. Yes.</p>	135	<p>1 sticker luxury car."</p> <p>2 Correct?</p> <p>3 A. Yes.</p> <p>4 Q. So the print on this negative came</p> <p>5 from a green sticker that said "luxury car"?</p> <p>6 MS. CANONIE: Objection; form,</p> <p>7 document speaks for itself.</p> <p>8 THE WITNESS: Yes.</p> <p>9 BY MS. TARABISHY:</p> <p>10 Q. In blue -- the writing in blue is your</p> <p>11 handwriting; correct?</p> <p>12 A. Yes.</p> <p>13 Q. And it says [as read]:</p> <p>14 "Identified finger number</p> <p>15 seven, Khaled Ibrahim,</p> <p>16 victim. SID number</p> <p>17 31778620, 23, June 2009."</p> <p>18 Right?</p> <p>19 A. Yes.</p> <p>20 Q. Then the initials "MM" and the star</p> <p>21 number 10389; right?</p> <p>22 A. Yes.</p> <p>23 Q. These are your initials?</p> <p>24 A. Yes.</p>
134	<p>1 Q. It says "CPD, ISP"?</p> <p>2 A. Yes.</p> <p>3 Q. What does that mean?</p> <p>4 A. That there was no hit in the Chicago</p> <p>5 Police Department's fingerprint database</p> <p>6 or -- and no hit in the Illinois State Police</p> <p>7 fingerprint database.</p> <p>8 Q. So as a latent print examiner in 2009,</p> <p>9 you had access to the database for the Chicago</p> <p>10 Police Department, and for the Illinois State</p> <p>11 Police; correct?</p> <p>12 A. Yes.</p> <p>13 Q. Did you have access to search any</p> <p>14 other databases?</p> <p>15 A. No.</p> <p>16 Q. Let's go down to page 13 of the PDF,</p> <p>17 please. Bates Number City 20778.</p> <p>18 This would be negative number 7A;</p> <p>19 correct?</p> <p>20 A. Yes.</p> <p>21 Q. And the small sticker says [as read]:</p> <p>22 "Five, December '95, G/V</p> <p>23 homicide Z594269.</p> <p>24 Inventory 1584551. Green</p>	136	<p>1 Q. And your star number?</p> <p>2 A. Yes.</p> <p>3 Q. This indicates that you identified the</p> <p>4 print on this negative as belonging to Khaled</p> <p>5 Ibrahim's left index finger; correct?</p> <p>6 A. Yes.</p> <p>7 Q. You see the initials "JC" in slightly</p> <p>8 darker ink underneath your own initials?</p> <p>9 A. Yeah.</p> <p>10 Q. And this indicates Joseph Calvo</p> <p>11 corroborated your identification?</p> <p>12 A. Yes.</p> <p>13 Q. So negative number 7A was</p> <p>14 independently examined by you and Joseph</p> <p>15 Calvo?</p> <p>16 MS. CANONIE: Objection; form.</p> <p>17 THE WITNESS: Yes.</p> <p>18 BY MS. TARABISHY:</p> <p>19 Q. And both of you reached the conclusion</p> <p>20 that latent print 7A matches Khaled Ibrahim's</p> <p>21 left fing- -- index finger?</p> <p>22 MS. CANONIE: Objection; form.</p> <p>23 THE WITNESS: Yes.</p> <p>24 MS. TARABISHY: Let's go back to</p>

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35 (137 to 140)

<p style="text-align: right;">137</p> <p>1 page 2 of the PDF Bates Number City 20767. 2 THE WITNESS: Yeah. 3 BY MS. TARABISHY: 4 Q. This would be the other side of the 5 envelope containing the negatives; correct? 6 MS. CANONIE: Objection; form. 7 THE WITNESS: Yes. 8 BY MS. TARABISHY: 9 Q. And it contains a list of the 10 identified prints contained in the envelope; 11 correct? 12 MS. CANONIE: Objection; form, 13 foundation. 14 THE WITNESS: Yes. 15 BY MS. TARABISHY: 16 Q. Next to the top two identifications 17 there is an "MM/JC?" Do you see that? 18 A. Oh, yes, uh-huh. 19 Q. And that indicates that you and Joseph 20 Calvo made these two identifications; correct? 21 A. Yes. 22 Q. The dates indicate that Khaled Ibrahim 23 identification was made on June 23, 2009? 24 A. Yes.</p>	<p style="text-align: right;">139</p> <p>1 "black and orange sticker"; correct? 2 A. 307. 3 MS. CANONIE: Can we have the Bates 4 Number, please? 5 THE WITNESS: The Bates Number. 6 MS. TARABISHY: Of course. The Bates 7 Number -- can you scroll down a little bit so 8 I can see the Bates Number? 9 20772. 10 THE WITNESS: All right. Yes. And 11 the question again? 12 BY MS. TARABISHY: 13 Q. So just reviewing that, the print on 14 this page, 1A, matched Davion Allen and came 15 from a black and orange sticker; correct? 16 MS. CANONIE: Objection; form, 17 foundation. He didn't put the white sticker 18 on. 19 BY MS. TARABISHY: 20 Q. Yes, you can answer, Mr. Malone. 21 A. The white sticker says "black and 22 orange sticker." 23 Q. Okay. 24 A. Black sticker.</p>
<p style="text-align: right;">138</p> <p>1 Q. And for Davion Allen on June 15, 2009? 2 A. Yes. 3 Q. Joseph Calvo wrote this? 4 MS. CANONIE: Objection; form, 5 foundation, calls for speculation. 6 THE WITNESS: Yes. 7 BY MS. TARABISHY: 8 Q. And in the bottom are his initials and 9 star number? 10 A. Yes. 11 Q. Do you notice any inaccuracies in the 12 recording of these two identifications? 13 MS. CANONIE: Objection; form. 14 THE WITNESS: No. 15 BY MS. TARABISHY: 16 Q. So in the negatives that we just 17 looked at, Davion Allen's print was on a black 18 and orange sticker. Do you remember that or 19 do you want us to go back to that page, that 20 would be -- 21 A. Go back -- 22 Q. -- page 7. 23 Do you see, it says, in your writing, 24 "Davion Allen," and the little sticker says,</p>	<p style="text-align: right;">140</p> <p>1 Q. Okay. That's my question. 2 And then if you go to page 13, Bates 3 Number City 20778, that's the Khaled Ibrahim 4 identification, correct, for latent print 7A? 5 MS. CANONIE: Objection; form. 6 THE WITNESS: Yes. 7 BY MS. TARABISHY: 8 Q. And the white sticker that identifies 9 the origin says "luxury" -- "green sticker 10 luxury car." Do you see that? 11 A. Yes. 12 Q. Okay. Now, let's go back to page 2, 13 please. Bates Number City 20767. Here it 14 says "Khaled Ibrahim, victim" on black and 15 orange sticker, and "Davion Allen" on green 16 luxury car sticker. Do you see that? 17 A. Yeah. 18 Q. Do you see that this is the opposite 19 of what was on the negatives themselves? 20 MS. CANONIE: Objection; form. 21 THE WITNESS: I'd have to put them 22 side by side and -- and look at that again. 23 So if I could have those numbers again, I'd 24 have to do that.</p>

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36 (141 to 144)

141	<p>1 MS. TARABISHY: Page --</p> <p>2 THE WITNESS: Going back and forth.</p> <p>3 BY MS. TARABISHY:</p> <p>4 Q. -- 13?</p> <p>5 A. I'm sorry?</p> <p>6 Q. Page 7 -- 7 and 13 of the exhibit that</p> <p>7 you have in your hands, had the --</p> <p>8 A. The Bates Numbers?</p> <p>9 And the Bates Numbers?</p> <p>10 Q. City 20772, and City 20778.</p> <p>11 A. Okay. I have them side by side now.</p> <p>12 Q. And my question is: The location for</p> <p>13 each negative, that's recorded on the negative</p> <p>14 itself. It's the opposite of what's recorded</p> <p>15 on the envelope we just looked at.</p> <p>16 So the negative says Davion Allen's</p> <p>17 print was on the black and orange sticker, and</p> <p>18 Khaled Ibrahim on the green luxury car</p> <p>19 sticker, and it says the opposite on the</p> <p>20 envelope on page 2.</p> <p>21 MS. CANONIE: Objection; form.</p> <p>22 THE WITNESS: Yes, I see that.</p> <p>23 BY MS. TARABISHY:</p> <p>24 Q. And do you notice a discrepancy?</p>	143	<p>1 A. Yes.</p> <p>2 Q. Looking at the first -- I'm sorry.</p> <p>3 A. The number is different because the</p> <p>4 Bates Number is a little different.</p> <p>5 MS. CANONIE: Okay. Let me see it.</p> <p>6 (Indiscernible simultaneous</p> <p>7 colloquy.)</p> <p>8 MS. TARABISHY: 20658 through 20662.</p> <p>9 MS. CANONIE: Okay.</p> <p>10 THE WITNESS: You said "85" at first.</p> <p>11 Okay.</p> <p>12 MS. TARABISHY: I might have misspoke.</p> <p>13 Sorry.</p> <p>14 THE WITNESS: I got it. I have it,</p> <p>15 yes.</p> <p>16 BY MS. TARABISHY:</p> <p>17 Q. So looking at the first page, Bates</p> <p>18 Number City 20685 [sic], can you describe what</p> <p>19 this document is?</p> <p>20 A. That's an arrest card of -- for -- of</p> <p>21 Khaled Ibrahim.</p> <p>22 Q. Do you see your initials on this</p> <p>23 document?</p> <p>24 A. Yes.</p>
142	<p>1 MS. CANONIE: Objection; form.</p> <p>2 THE WITNESS: Okay. Yes. I notice</p> <p>3 that.</p> <p>4 BY MS. TARABISHY:</p> <p>5 Q. Do you have an explanation for this?</p> <p>6 MS. CANONIE: Objection; form,</p> <p>7 foundation.</p> <p>8 THE WITNESS: No.</p> <p>9 BY MS. TARABISHY:</p> <p>10 Q. It would just be a recording error on</p> <p>11 the envelope?</p> <p>12 MS. CANONIE: Objection; form.</p> <p>13 THE WITNESS: It's possible.</p> <p>14 MS. TARABISHY: Okay. We're done with</p> <p>15 that exhibit. You can take it down. Thank</p> <p>16 you.</p> <p>17 And if you can, pull up exhibit</p> <p>18 titled, "arrest cards." This was previously</p> <p>19 marked as Exhibit 218, the deposition of Carey</p> <p>20 Simon.</p> <p>21 BY MS. TARABISHY:</p> <p>22 Q. This is a five-page PDF consecutively</p> <p>23 Bates stamped City 20685 [sic] through 20662.</p> <p>24 Do you have the document with you?</p>	144	<p>1 Q. And do you see Mr. Calvo's initials?</p> <p>2 A. Yes.</p> <p>3 Q. And both of your initials are in the</p> <p>4 box showing Khaled Ibrahim's left index</p> <p>5 fingerprint; correct?</p> <p>6 A. Yes.</p> <p>7 Q. And the initials on this arrest card</p> <p>8 confirm that you and Joseph Calvo made an</p> <p>9 identification to Khaled Ibrahim's left index?</p> <p>10 A. Yes.</p> <p>11 MS. TARABISHY: Can you go to the next</p> <p>12 page, Bates Number City 20659.</p> <p>13 BY MS. TARABISHY:</p> <p>14 Q. Can you describe what this document</p> <p>15 is?</p> <p>16 A. Arrest card of Davion Allen.</p> <p>17 Q. Do you see your initials?</p> <p>18 A. Yes.</p> <p>19 Q. And do you see Mr. Calvo's initials?</p> <p>20 A. Yes.</p> <p>21 Q. Both of your initials appear in two</p> <p>22 boxes; correct?</p> <p>23 A. Yes.</p> <p>24 Q. And that's for the box showing Davion</p>

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37 (145 to 148)

145	<p>1 Allen's right thumb print, and his left index; 2 correct? 3 A. Yes. 4 Q. The initials on this arrest card 5 confirm that you and Joseph Calvo made an 6 identification to Davion Allen's left index 7 and right thumb; correct? 8 A. Yes. 9 Q. Let's go to the next page, please. 10 Bates Number City 20660. Can you describe 11 what this document is? 12 A. Yes. The palm print of Davion Allen. 13 Q. And do you see your initials? 14 A. Yes. 15 Q. And Mr. Calvo's? 16 A. Yes. 17 Q. The initials on this document confirm 18 that you and Calvo made an identification to 19 Davion Allen's left palm? 20 MS. CANONIE: Objection; form. 21 THE WITNESS: Yes. 22 BY MS. TARABISHY: 23 Q. Same questions for the next page, 24 Bates Number City 20661.</p>	147	<p>1 A. Yes. 2 Q. And those appear in the box for Lamont 3 Campbell's right thumb; correct? 4 A. Yes. 5 Q. And these initials confirmed that you 6 and Mr. Calvo made an identification to Lamont 7 Campbell's right thumb; correct? 8 A. Yes. 9 MS. TARABISHY: You can take down the 10 exhibit. Thank you. 11 BY MS. TARABISHY: 12 Q. After you concluded your work on the 13 Charles Johnson case, did you record your 14 findings on a case jacket? 15 MS. CANONIE: Objection; form. 16 THE WITNESS: I -- I don't recall if I 17 recorded it on the case jacket. 18 MS. TARABISHY: Would the tech please 19 pull up an exhibit entitled, "latent print 20 evidence, evidence envelope." And this we 21 will mark as Exhibit 336. 22 (Whereupon, Deposition 23 Exhibit No. 336 was 24 electronically introduced</p>
146	<p>1 MS. TARABISHY: The next page, please. 2 THE WITNESS: Yes. 3 BY MS. TARABISHY: 4 Q. Can you describe what this document 5 is? 6 A. The palm card of Davion Allen 7 representing the right palm. 8 Q. And do you see your initials? 9 A. Yes. 10 Q. And Joseph Calvo's? 11 A. Yes. 12 Q. The initials on this document confirm 13 that you and Joseph Calvo made an 14 identification to Davion Allen's right palm; 15 correct? 16 A. Yes. 17 Q. Moving on to the last page, Bates 18 Number City 20662, can you describe what this 19 document is? 20 A. The arrest print card of Lamont 21 Campbell. 22 Q. And do you see your initials? 23 A. Yes. 24 Q. And Mr. Calvo's?</p>	148	<p>1 for identification and 2 provided to the court 3 reporter.) 4 BY MS. TARABISHY: 5 Q. And this is an eight-page PDF. It is 6 a group exhibit with Bates stamp City 20781, 7 20782, 20714, 20715, 20751, 20752, 20768, and 8 20764. 9 MS. CANONIE: Can you repeat them for 10 the color version? 11 MS. TARABISHY: Up -- 12 MS. CANONIE: I have 822. 13 MS. TARABISHY: I'm sorry. I didn't 14 get that. The first one is 20781. 15 MS. CANONIE: But they're not -- and 16 then what are the -- this isn't a consecutive 17 Bates stamp? 18 MS. TARABISHY: No, it isn't. No, 19 it's not. It was one PDF, but it's a group 20 exhibit. Do you want me to read all the Bates 21 stamps again? 22 MS. CANONIE: Yes. 23 MS. TARABISHY: 20781, 20782, 20714, 24 20715, 20751, 20752, 20763 and 20764.</p>

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38 (149 to 152)

149	<p>1 And can you zoom in, please?</p> <p>2 THE WITNESS: All right. Okay. I</p> <p>3 have them.</p> <p>4 BY MS. TARABISHY:</p> <p>5 Q. Looking at the first page, City 20781,</p> <p>6 is this your handwriting?</p> <p>7 A. Some of it is, yes.</p> <p>8 Q. And this is what you referred to in</p> <p>9 the latent print unit as a case jacket?</p> <p>10 A. Yes.</p> <p>11 Q. Which parts of the writing on this</p> <p>12 case jacket are your handwriting?</p> <p>13 A. In the red on the top -- top of the</p> <p>14 AF- -- the word "AFIS hit," in the -- in the</p> <p>15 left -- in the right hand at the top,</p> <p>16 right-hand corner, that information with the</p> <p>17 RD number, and that -- that particular area</p> <p>18 there. And the block of information below</p> <p>19 that looks like mine, and the other</p> <p>20 information on the left looks like the</p> <p>21 handwriting of Joseph Calvo.</p> <p>22 Q. Okay. So the RD number at the top is</p> <p>23 Z594269; correct?</p> <p>24 A. Yes.</p>	151	<p>1 BY MS. TARABISHY:</p> <p>2 Q. And based on your years of experience</p> <p>3 as a latent print examiner in the latent print</p> <p>4 unit, you were able to understand the</p> <p>5 notations that were made on the original case</p> <p>6 jacket; correct?</p> <p>7 MS. CANONIE: Objection; form,</p> <p>8 foundation, incomplete hypothetical.</p> <p>9 THE WITNESS: Yes.</p> <p>10 BY MS. TARABISHY:</p> <p>11 Q. Let's go to page 3 of the PDF, please,</p> <p>12 Bates Number City 20714. The RD number at the</p> <p>13 top is again Z594269. Same number for</p> <p>14 the -- for case jacket number four; correct?</p> <p>15 A. Yes.</p> <p>16 Q. And do you see the numbers 1995 in the</p> <p>17 right?</p> <p>18 A. Yes.</p> <p>19 Q. And under that someone wrote, "three</p> <p>20 jackets"?</p> <p>21 A. Yes.</p> <p>22 Q. And in the middle of the right portion</p> <p>23 it says, "part A"?</p> <p>24 A. Yes.</p>
150	<p>1 Q. And that was the RD number we looked</p> <p>2 at for the double homicide investigation, yes?</p> <p>3 A. Yes, yes.</p> <p>4 Q. On the right side of the envelope it</p> <p>5 says, "jacket number four." Do you see that?</p> <p>6 A. Yes.</p> <p>7 Q. Is that your handwriting?</p> <p>8 A. Yes.</p> <p>9 Q. So this indicates that there are</p> <p>10 jackets with the numbers 1 through 3</p> <p>11 associated with -- with this case, RD number</p> <p>12 Z594269; correct?</p> <p>13 MS. CANONIE: Objection; form,</p> <p>14 foundation, calls for speculation.</p> <p>15 THE WITNESS: Yes.</p> <p>16 BY MS. TARABISHY:</p> <p>17 Q. And those would be the case jackets</p> <p>18 that you reviewed when you were assigned to do</p> <p>19 the work of reexamining the fingerprints in</p> <p>20 this case; correct?</p> <p>21 MS. CANONIE: Objection; form,</p> <p>22 foundation.</p> <p>23 THE WITNESS: Yes.</p> <p>24</p>	152	<p>1 Q. So this indicates that this is the</p> <p>2 first of the three case jackets?</p> <p>3 MS. CANONIE: Objection; form,</p> <p>4 foundation.</p> <p>5 THE WITNESS: I don't recall what part</p> <p>6 A would have meant exactly.</p> <p>7 MS. TARABISHY: Can we go to page 5 of</p> <p>8 the PDF, please, Bates Number City 20751.</p> <p>9 BY MS. TARABISHY:</p> <p>10 Q. Same RD number in the upper right</p> <p>11 corner, Z594269; correct?</p> <p>12 A. Yes.</p> <p>13 Q. And again, we have the year 1995, and</p> <p>14 a notation that says, "three jackets"?</p> <p>15 A. Yes.</p> <p>16 Q. And this one says, "part B." Do you</p> <p>17 see that?</p> <p>18 A. Yes.</p> <p>19 Q. So do you take this to mean this would</p> <p>20 be the second of the three jackets?</p> <p>21 MS. CANONIE: Objection; form,</p> <p>22 foundation.</p> <p>23 THE WITNESS: Yeah. Again, I don't</p> <p>24 recall how they labeled the individual parts</p>

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<p style="text-align: right;">153</p> <p>1 or jackets.</p> <p>2 BY MS. TARABISHY:</p> <p>3 Q. Okay.</p> <p>4 A. Exactly, no.</p> <p>5 Q. Let's go back to the first page,</p> <p>6 please. City 20781.</p> <p>7 A. Yes.</p> <p>8 Q. What did you place inside this case</p> <p>9 jacket?</p> <p>10 A. The -- the information pertaining to</p> <p>11 the -- the -- the identification listed on the</p> <p>12 front of the jacket.</p> <p>13 Q. And what information would that be,</p> <p>14 reports that you created?</p> <p>15 MS. CANONIE: Objection; form.</p> <p>16 THE WITNESS: Yes.</p> <p>17 BY MS. TARABISHY:</p> <p>18 Q. And the latent print lifts on which</p> <p>19 you indicated your identifications?</p> <p>20 MS. CANONIE: Objection; form,</p> <p>21 foundation.</p> <p>22 THE WITNESS: Yes.</p> <p>23 BY MS. TARABISHY:</p> <p>24 Q. And the negatives on which you also</p>	<p style="text-align: right;">155</p> <p>1 A. Yes.</p> <p>2 Q. And then it has the name of the</p> <p>3 suspect as "Davion Allen"?</p> <p>4 A. Yes.</p> <p>5 Q. For the names of evidence technicians</p> <p>6 it says "Stankus" and "Karlalow." Do you see</p> <p>7 that?</p> <p>8 A. Yes.</p> <p>9 Q. And in red it says [as read]:</p> <p>10 "Additional E.T.-SEE CSP</p> <p>11 report."</p> <p>12 Correct?</p> <p>13 A. Yes.</p> <p>14 Q. Does this refer to the crime scene</p> <p>15 processing reports from the original</p> <p>16 investigation in 1995?</p> <p>17 MS. CANONIE: Objection; form,</p> <p>18 foundation, calls for speculation.</p> <p>19 THE WITNESS: Yeah. I don't -- I</p> <p>20 don't recall.</p> <p>21 BY MS. TARABISHY:</p> <p>22 Q. Where would you get the names of the</p> <p>23 evidence technicians to record on the case</p> <p>24 jacket?</p>
<p style="text-align: right;">154</p> <p>1 made an identification?</p> <p>2 MS. CANONIE: Objection; form,</p> <p>3 foundation, mischaracterizes prior testimony.</p> <p>4 THE WITNESS: Yes.</p> <p>5 BY MS. TARABISHY:</p> <p>6 Q. And on that case jacket you summarized</p> <p>7 the identifications that you made in this</p> <p>8 case; correct?</p> <p>9 MS. CANONIE: Objection; form,</p> <p>10 foundation, mischaracterizes prior testimony.</p> <p>11 THE WITNESS: Yeah. Indications that</p> <p>12 indicated on the front of this case jacket,</p> <p>13 yes.</p> <p>14 BY MS. TARABISHY:</p> <p>15 Q. So was it the policy of examiners in</p> <p>16 the latent print unit to record their</p> <p>17 identifications on the case jackets?</p> <p>18 MS. CANONIE: Objection; form.</p> <p>19 THE WITNESS: Yes.</p> <p>20 BY MS. TARABISHY:</p> <p>21 Q. So on the left part of the case jacket</p> <p>22 at the top it indicates that the examination</p> <p>23 was requested by a court order. Do you see</p> <p>24 that; correct?</p>	<p style="text-align: right;">156</p> <p>1 MS. CANONIE: Objection; form.</p> <p>2 THE WITNESS: From the crime scene</p> <p>3 processing report and the lift tags.</p> <p>4 BY MS. TARABISHY:</p> <p>5 Q. And the location of the latent prints</p> <p>6 lift, where would you get this information?</p> <p>7 A. From the lift tags and the crime scene</p> <p>8 processing report.</p> <p>9 Q. Going through the remainder of the</p> <p>10 information on this case jacket, it records</p> <p>11 the four identifications that were made to</p> <p>12 Davion Allen's prints and the locations for</p> <p>13 each; correct?</p> <p>14 MS. CANONIE: Objection; form,</p> <p>15 document speaks for itself.</p> <p>16 THE WITNESS: Yes.</p> <p>17 BY MS. TARABISHY:</p> <p>18 Q. So it says, "right thumb print," and</p> <p>19 that was found on a black and orange sticker,</p> <p>20 number 1A; correct?</p> <p>21 A. I'm trying to locate that one.</p> <p>22 Q. Where -- under the suspect's name,</p> <p>23 Davion Allen.</p> <p>24 A. The top left?</p>

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<p style="text-align: right;">157</p> <p>1 Q. Yes. Sorry. Above his name. I have</p> <p>2 ridge impression from black and orange</p> <p>3 sticker, and under that --</p> <p>4 A. Yes, I --</p> <p>5 (Indiscernible simultaneous</p> <p>6 colloquy.)</p> <p>7 BY MS. TARABISHY:</p> <p>8 Q. -- name, mm-hmm, right thumb print on</p> <p>9 black and orange sticker, number 1A in</p> <p>10 parentheses; correct?</p> <p>11 A. Yes.</p> <p>12 Q. And then in the middle portion we have</p> <p>13 the numbers 2, 3, and 4, continuing the</p> <p>14 identification for Davion Allen; correct?</p> <p>15 MS. CANONIE: Objection; form,</p> <p>16 document speaks for itself.</p> <p>17 THE WITNESS: Yes.</p> <p>18 BY MS. TARABISHY:</p> <p>19 Q. Left index print found on hood of</p> <p>20 green Pontiac Bonneville, lift number 12-2;</p> <p>21 correct?</p> <p>22 MS. CANONIE: Form, document speaks</p> <p>23 for itself.</p> <p>24 THE WITNESS: Yes.</p>	<p style="text-align: right;">159</p> <p>1 A. Yes.</p> <p>2 Q. Under that we have -- if you can</p> <p>3 scroll down, please, recording another</p> <p>4 identification that you and Mr. Calvo made,</p> <p>5 and we have the name of the suspect as Lamont</p> <p>6 Campbell; correct?</p> <p>7 A. Yes.</p> <p>8 Q. And it indicates that Lamont</p> <p>9 Campbell's right thumb was found on passenger</p> <p>10 front exterior door latch, on 1992 Pontiac</p> <p>11 license plate DL5521; correct?</p> <p>12 MS. CANONIE: Objection; form,</p> <p>13 document speaks for itself.</p> <p>14 THE WITNESS: Yes, yes, mm-hmm.</p> <p>15 BY MS. TARABISHY:</p> <p>16 Q. Okay. Let's look at the right side of</p> <p>17 the jacket, please.</p> <p>18 MS. TARABISHY: Okay. You can zoom</p> <p>19 back in.</p> <p>20 BY MS. TARABISHY:</p> <p>21 Q. Here we have the word "suspect"</p> <p>22 crossed out, and we have the name "Khaled</p> <p>23 Ibrahim"; correct?</p> <p>24 A. Yes.</p>
<p style="text-align: right;">158</p> <p>1 BY MS. TARABISHY:</p> <p>2 Q. For number 3 we have the left palm</p> <p>3 print found on fender of green Pontiac</p> <p>4 Bonneville, lift number 13A; correct?</p> <p>5 MS. CANONIE: Objection; form,</p> <p>6 document speaks for itself.</p> <p>7 THE WITNESS: This is kind of small.</p> <p>8 MS. CANONIE: Can you zoom in?</p> <p>9 THE WITNESS: Yeah. Zoom in, yes.</p> <p>10 BY MS. TARABISHY:</p> <p>11 Q. Can you see this?</p> <p>12 A. No, we're at number 2 or number 3?</p> <p>13 MS. TARABISHY: Three.</p> <p>14 THE WITNESS: Oh, 3, okay.</p> <p>15 BY MS. TARABISHY:</p> <p>16 Q. Left palm print found on fender of</p> <p>17 green Pontiac Bonneville, lift number 13A?</p> <p>18 A. Yes.</p> <p>19 Q. Yes?</p> <p>20 A. Uh-huh.</p> <p>21 Q. And for number 4 we have the right</p> <p>22 palm print of Davion Allen found on driver's</p> <p>23 side, front fender of green Pontiac</p> <p>24 Bonneville, number 14B; correct?</p>	<p style="text-align: right;">160</p> <p>1 Q. And that's one of the victims; right?</p> <p>2 A. Yes.</p> <p>3 Q. And it indicates that his left index</p> <p>4 print was found on green sticker luxury car;</p> <p>5 correct?</p> <p>6 MS. CANONIE: Form; document speaks</p> <p>7 for itself.</p> <p>8 THE WITNESS: Yes.</p> <p>9 MS. TARABISHY: Can you zoom back out,</p> <p>10 please?</p> <p>11 BY MS. TARABISHY:</p> <p>12 Q. In each of these three sections,</p> <p>13 summarizing the identifications, we have your</p> <p>14 name and star number as the examiner; correct?</p> <p>15 A. Yes.</p> <p>16 Q. And Joseph Calvo's name and star</p> <p>17 number appear as the corroborator; correct?</p> <p>18 A. Yes.</p> <p>19 Q. Moving on to the next page, city</p> <p>20 20714 -- I'm sorry. Not this page, the page</p> <p>21 number 3.</p> <p>22 A. Yes.</p> <p>23 Q. On the top left, this case jacket says</p> <p>24 [as read]:</p>

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41 (161 to 164)

161	<p>1 "Elim - no comp. Victim</p> <p>2 number 1 - Khaled."</p> <p>3 Do you see that?</p> <p>4 A. Yes.</p> <p>5 Q. The date, 5, December '95, the</p> <p>6 initials "JW" and then in parentheses "FPs</p> <p>7 only"; correct?</p> <p>8 A. Yes.</p> <p>9 Q. When you reviewed this case jacket,</p> <p>10 what did you interpret this notation to mean?</p> <p>11 MS. CANONIE: Objection; form,</p> <p>12 mischaracterized previous testimony.</p> <p>13 THE WITNESS: It states no comparison</p> <p>14 of the elim, elimination prints of victim, I.</p> <p>15 Khaled.</p> <p>16 BY MS. TARABISHY:</p> <p>17 Q. So the "elim" is shorthand for</p> <p>18 "elimination print"?</p> <p>19 MS. CANONIE: Objection; form,</p> <p>20 foundation.</p> <p>21 THE WITNESS: Yes.</p> <p>22 BY MS. TARABISHY:</p> <p>23 Q. And "no comp" means no identification</p> <p>24 was made?</p>	163	<p>1 experience?</p> <p>2 MS. CANONIE: Objection; form,</p> <p>3 foundation, calls for speculation.</p> <p>4 MS. BARBER: And I just have a</p> <p>5 standing objection to you asking him to</p> <p>6 interpret somebody else's report. I -- or</p> <p>7 writing or what, I'm not sure that you've even</p> <p>8 established that. But, you know, I understand</p> <p>9 what you're trying to do, but I'm not sure</p> <p>10 that this is the proper way to do that.</p> <p>11 BY MS. TARABISHY:</p> <p>12 Q. Can you answer the question,</p> <p>13 Mr. Malone?</p> <p>14 A. Could you repeat that last one, ma'am?</p> <p>15 Q. Of course.</p> <p>16 The "FPs only" parentheses, what does</p> <p>17 that mean in your experience?</p> <p>18 MS. CANONIE: Objection; form,</p> <p>19 foundation, calls for speculation.</p> <p>20 THE WITNESS: That there were only</p> <p>21 fingerprints available for the elimination</p> <p>22 person, I. Khaled, and there were no palm</p> <p>23 prints available for comparison against the</p> <p>24 palm impression.</p>
162	<p>1 MS. CANONIE: Objection; form,</p> <p>2 foundation, calls for speculation.</p> <p>3 THE WITNESS: No comparisons, which</p> <p>4 means a negative comparison.</p> <p>5 BY MS. TARABISHY:</p> <p>6 Q. A negative comparison means that</p> <p>7 Khaled Ibrahim's prints were excluded as the</p> <p>8 source?</p> <p>9 MS. CANONIE: Objection; form,</p> <p>10 mischaracterizes the testimony.</p> <p>11 THE WITNESS: That whatever prints he</p> <p>12 compared to, to Khaled's prints did not match.</p> <p>13 BY MS. TARABISHY:</p> <p>14 Q. And these shorthand notations, the</p> <p>15 "elim" and "no comp," is this language that</p> <p>16 you would use in communicating fingerprint</p> <p>17 examination results at the latent print unit?</p> <p>18 MS. CANONIE: Objection; form,</p> <p>19 foundation.</p> <p>20 THE WITNESS: It was -- some of it is</p> <p>21 used for abbreviation, yeah.</p> <p>22 BY MS. TARABISHY:</p> <p>23 Q. And then in parentheses it says, "FPs</p> <p>24 only." What does that mean, in your</p>	164	<p>1 BY MS. TARABISHY:</p> <p>2 Q. Next, underneath that there's a</p> <p>3 section that is partially typewritten, and it</p> <p>4 says "AFIS hit" at the top. Do you see that?</p> <p>5 A. Yes.</p> <p>6 Q. So similar to the case jacket where</p> <p>7 you recorded your identifications, this</p> <p>8 section has the details on a fingerprint lift</p> <p>9 that resulted in an AFIS hit; correct?</p> <p>10 MS. CANONIE: Objection; form,</p> <p>11 mischaracterizes prior testimony.</p> <p>12 THE WITNESS: Yes.</p> <p>13 BY MS. TARABISHY:</p> <p>14 Q. And under that it says, in handwriting</p> <p>15 [as read]:</p> <p>16 "Open FP plus palm."</p> <p>17 And in parentheses [as read]:</p> <p>18 "No comp, AFIS."</p> <p>19 What do you take this to mean based on</p> <p>20 your experience?</p> <p>21 MS. CANONIE: Objection; form,</p> <p>22 foundation, calls for speculation.</p> <p>23 THE WITNESS: That there were open</p> <p>24 fingerprints and palm prints, and -- and that</p>

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42 (165 to 168)

165	<p>1 they were searched through AFIS, and there was</p> <p>2 no hit.</p> <p>3 MS. ROCHE: Noor, if now's a good spot</p> <p>4 to take a five-minute break, is that possible?</p> <p>5 Or if you want to keep going to finish this</p> <p>6 document, it's totally up to you, but I'm just</p> <p>7 hoping we can take like a five-minute break.</p> <p>8 MS. TARABISHY: Yeah. I just have a</p> <p>9 few more questions on this document, but if</p> <p>10 you need to take a break, it's fine if we take</p> <p>11 it.</p> <p>12 MS. ROCHE: That's totally fine. We</p> <p>13 could finish this document.</p> <p>14 MS. TARABISHY: Okay. Thank you.</p> <p>15 BY MS. TARABISHY:</p> <p>16 Q. Let's go down to page 5 of the PDF</p> <p>17 Bates Number City 20751.</p> <p>18 MS. TARABISHY: I'm sorry. Go back.</p> <p>19 MS. CANONIE: I'm sorry. Are we</p> <p>20 looking at the same document? I thought we</p> <p>21 were staying on the same document.</p> <p>22 MS. TARABISHY: We're on the same</p> <p>23 exhibit, but I'm sorry, I misspoke. I meant</p> <p>24 page 4, and that's Bates Number City 20715.</p>	167	<p>1 So that again, means it was a negative</p> <p>2 comparison to these two individuals; correct?</p> <p>3 MS. CANONIE: Objection; form, calls</p> <p>4 for speculation, foundation.</p> <p>5 THE WITNESS: Yes.</p> <p>6 BY MS. TARABISHY:</p> <p>7 Q. Following that, it has the names</p> <p>8 Troshawn McCoy in a circle, then Charles</p> <p>9 Johnson, Lashawn Ezell in a circle, and Larod</p> <p>10 Styles, and again says, "no comp." 15 --</p> <p>11 MS. CANONIE: Object --</p> <p>12 BY MS. TARABISHY:</p> <p>13 Q. -- February '96, palms, plus 26</p> <p>14 February '96 FPS?</p> <p>15 Based on your experience, what do you</p> <p>16 interpret this to mean?</p> <p>17 MS. CANONIE: Objection; form, calls</p> <p>18 for speculation.</p> <p>19 Are you asking him to interpret it as</p> <p>20 he sits here today or back then?</p> <p>21 MS. TARABISHY: I think my question</p> <p>22 was clear.</p> <p>23 BY MS. TARABISHY:</p> <p>24 Q. Can you answer, Mr. Malone?</p>
166	<p>1 BY MS. TARABISHY:</p> <p>2 Q. Do you have that document with you,</p> <p>3 Mr. Malone?</p> <p>4 A. Yes, yes.</p> <p>5 Q. At the top it says [as read]:</p> <p>6 "Rodney Graham, number</p> <p>7 959742. No comp, in</p> <p>8 parentheses, FP only. 11,</p> <p>9 December '95."</p> <p>10 And again, no comp -- well, let me ask</p> <p>11 you, based on your experience and your review</p> <p>12 of these case jackets when you took on this</p> <p>13 assignment, what do you understand "no comp"</p> <p>14 to mean?</p> <p>15 MS. CANONIE: Objection; form,</p> <p>16 foundation mischaracterizes the testimony,</p> <p>17 calls for speculation. He did not write this</p> <p>18 envelope.</p> <p>19 THE WITNESS: That it was a negative</p> <p>20 comparison to that -- fingerprints of -- of</p> <p>21 that individual, Rodney Graham.</p> <p>22 BY MS. TARABISHY:</p> <p>23 Q. Next it says, "Charles Johnson" and</p> <p>24 "Troshawn McCoy," and again says, "no comp."</p>	168	<p>1 A. That there was a negative comparison</p> <p>2 to the subject.</p> <p>3 Q. So they're both their palm prints and</p> <p>4 their fingerprints?</p> <p>5 MS. CANONIE: Objection; form, calls</p> <p>6 for speculation, mischaracterizes previous</p> <p>7 testimony.</p> <p>8 THE WITNESS: Yeah.</p> <p>9 That -- I -- that, I couldn't say. I can't</p> <p>10 understand from this.</p> <p>11 BY MS. TARABISHY:</p> <p>12 Q. Do you see underneath it says in big</p> <p>13 type "no comp, palms"?</p> <p>14 A. Yeah, but it's down there by itself so</p> <p>15 it's, you know, so I can't say as to what</p> <p>16 that -- if that's meant for all those</p> <p>17 individuals or not. So, yeah, I can't say.</p> <p>18 Q. Fair enough.</p> <p>19 No comp palms by itself means no -- no</p> <p>20 identification to a palm print?</p> <p>21 MS. CANONIE: Objection; form,</p> <p>22 mischaracterizes previous testimony.</p> <p>23 THE WITNESS: In this -- that being by</p> <p>24 itself I couldn't say.</p>

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43 (169 to 172)

169	<p>1 BY MS. TARABISHY:</p> <p>2 Q. Let's scroll down to page 5 of the</p> <p>3 PDF, please. That's Bates Number City 20751.</p> <p>4 In the upper left corner we again have "elim,</p> <p>5 no comp. Victim number 1, Khaled Ibrahim."</p> <p>6 And then "elim, no comp. Victim number 2,</p> <p>7 Yosef Ali."</p> <p>8 Do you see that?</p> <p>9 A. Yes.</p> <p>10 Q. So this indicates that the latent</p> <p>11 prints in this jacket were compared to the</p> <p>12 elimination prints of the two victims, and the</p> <p>13 result was an exclusion; correct?</p> <p>14 MS. CANONIE: Objection; form,</p> <p>15 foundation, mischaracterizes previous</p> <p>16 testimony, calls for speculation.</p> <p>17 THE WITNESS: There was a negative</p> <p>18 comparison to those two elimination -- test of</p> <p>19 elimination prints.</p> <p>20 BY MS. TARABISHY:</p> <p>21 Q. Under that it says [as read]:</p> <p>22 "Six lifts, no ID. One</p> <p>23 good."</p> <p>24 Under that [as read]:</p>	171	<p>1 of these two victims.</p> <p>2 BY MS. TARABISHY:</p> <p>3 Q. Negative comparison to the latent</p> <p>4 prints contained in this jacket?</p> <p>5 MS. CANONIE: Objection; form,</p> <p>6 foundation, mischaracterizes previous</p> <p>7 testimony, calls for speculation.</p> <p>8 THE WITNESS: That, I couldn't say.</p> <p>9 That's not clear as to which</p> <p>10 particular -- whether it was just the prints</p> <p>11 in that jacket or not.</p> <p>12 BY MS. TARABISHY:</p> <p>13 Q. Under that it says [as read]:</p> <p>14 "Nine negs. No ID. One</p> <p>15 suitable. No comp AFIS."</p> <p>16 And what do you interpret this to mean</p> <p>17 based on your experience?</p> <p>18 MS. CANONIE: Objection; form,</p> <p>19 foundation, calls for speculation.</p> <p>20 THE WITNESS: I can't. That's too</p> <p>21 vague.</p> <p>22 MS. TARABISHY: Now would be a good</p> <p>23 time. I'm done with this exhibit. Thank you.</p> <p>24 We can take a quick five-minute break.</p>
170	<p>1 "Not for AFIS. Five not</p> <p>2 suitable."</p> <p>3 What do you interpret this to mean</p> <p>4 based on your experience?</p> <p>5 MS. CANONIE: Objection; form,</p> <p>6 foundation, calls for speculation.</p> <p>7 THE WITNESS: Oh, I can't say. That's</p> <p>8 too vague for me to say.</p> <p>9 BY MS. TARABISHY:</p> <p>10 Q. Let's go down to page 7 of the PDF,</p> <p>11 Bates Number City 20763.</p> <p>12 A. I have it.</p> <p>13 Q. We again have [as read]:</p> <p>14 "Elim, no comp, FP only.</p> <p>15 Victim number 1, Khaled</p> <p>16 Ibrahim. No comp. FP</p> <p>17 only. Victim number 2</p> <p>18 Yosef Ali."</p> <p>19 What do you interpret this to mean</p> <p>20 based on your experience?</p> <p>21 MS. CANONIE: Objection; form,</p> <p>22 foundation, calls for speculation.</p> <p>23 THE WITNESS: That these two victims,</p> <p>24 there was a negative comparison to the prints</p>	172	<p>1 THE VIDEOGRAPHER: We are going off</p> <p>2 the record at 1:47.</p> <p>3 (A recess was had.)</p> <p>4 THE VIDEOGRAPHER: We are back on the</p> <p>5 record at 1:58.</p> <p>6 BY MS. TARABISHY:</p> <p>7 Q. Before we took a break --</p> <p>8 MS. TARABISHY: Can we pull up the</p> <p>9 Exhibit 336 again, please?</p> <p>10 And go to page 3, Bates Number City</p> <p>11 20714. Scroll down to the bottom left,</p> <p>12 please. Thank you.</p> <p>13 BY MS. TARABISHY:</p> <p>14 Q. So before we took a break, I asked you</p> <p>15 about some notations on the old case jackets</p> <p>16 and you said they were vague. Remember that,</p> <p>17 Mr. Malone?</p> <p>18 A. Yes.</p> <p>19 Q. So let's -- looking at the lower left</p> <p>20 where it says "eight lifts," what do you take</p> <p>21 "eight lifts" to mean based on your</p> <p>22 experience?</p> <p>23 MS. CANONIE: Objection; form,</p> <p>24 foundation, calls for speculation.</p>

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<p style="text-align: right;">173</p> <p>1 THE WITNESS: Eight lifts, eight lifts</p> <p>2 in the jacket.</p> <p>3 BY MS. TARABISHY:</p> <p>4 Q. And next to that, "1 ID." Would that</p> <p>5 indicate that one identification was made out</p> <p>6 of the latent prints in this jacket?</p> <p>7 MS. CANONIE: Objection; form,</p> <p>8 foundation, calls for speculation,</p> <p>9 mischaracterizes previous testimony.</p> <p>10 THE WITNESS: No. I couldn't say what</p> <p>11 that would mean exactly. It notes specific</p> <p>12 information right there.</p> <p>13 BY MS. TARABISHY:</p> <p>14 Q. And the "four palms, 4 FPs," what do</p> <p>15 you take this to mean based on your</p> <p>16 experience?</p> <p>17 MS. CANONIE: Objection; form,</p> <p>18 foundation, calls for speculation.</p> <p>19 THE WITNESS: Without any other</p> <p>20 information, that's too vague for me to say</p> <p>21 what they mean.</p> <p>22 BY MS. TARABISHY:</p> <p>23 Q. Now, going to page 5 of the PDF Bates</p> <p>24 Number City 20751, do you see where it says</p>	<p style="text-align: right;">175</p> <p>1 THE WITNESS: That without any</p> <p>2 specifics with it enclosed in the parentheses,</p> <p>3 I couldn't say what they -- what they mean</p> <p>4 there.</p> <p>5 BY MS. TARABISHY:</p> <p>6 Q. So in your work as a latent print</p> <p>7 examiner, would you use the notation "no ID"</p> <p>8 on a case jacket?</p> <p>9 MS. CANONIE: Object to form,</p> <p>10 incomplete hypothetical.</p> <p>11 THE WITNESS: No, not by itself, no.</p> <p>12 BY MS. TARABISHY:</p> <p>13 Q. How would you -- what do you mean "not</p> <p>14 by itself"?</p> <p>15 A. That that information there, I</p> <p>16 couldn't -- I don't know what</p> <p>17 he -- what -- what he's referring to.</p> <p>18 Q. If you -- when you use the word "no</p> <p>19 ID," not on this envelope, what do you mean by</p> <p>20 that?</p> <p>21 What is the --</p> <p>22 MS. CANONIE: Objection.</p> <p>23 BY MS. TARABISHY:</p> <p>24 Q. -- typical use of the phrase "no ID"</p>
<p style="text-align: right;">174</p> <p>1 "six lifts"?</p> <p>2 A. Okay. One second. That is -- I'm</p> <p>3 sorry. What was that again, can you repeat</p> <p>4 that part?</p> <p>5 Q. "Six lifts," do you see that --</p> <p>6 A. Yes.</p> <p>7 Q. -- in the left --</p> <p>8 A. Mm-hmm.</p> <p>9 Q. Do you take this to mean there are six</p> <p>10 lifts inside this case jacket?</p> <p>11 MS. CANONIE: Objection; form,</p> <p>12 foundation, calls for speculation,</p> <p>13 mischaracterizes previous testimony.</p> <p>14 THE WITNESS: Yeah, I do. It --</p> <p>15 without it being more specific, I couldn't</p> <p>16 say.</p> <p>17 BY MS. TARABISHY:</p> <p>18 Q. And the "no ID," what do you --</p> <p>19 MS. CANONIE: Objection; form.</p> <p>20 BY MS. TARABISHY:</p> <p>21 Q. -- take this to mean based on your</p> <p>22 experience?</p> <p>23 MS. CANONIE: Objection; form,</p> <p>24 foundation, calls for speculation.</p>	<p style="text-align: right;">176</p> <p>1 in the latent print unit?</p> <p>2 MS. CANONIE: Objection; form,</p> <p>3 foundation. You -- are you asking about him</p> <p>4 or the unit?</p> <p>5 BY MS. TARABISHY:</p> <p>6 Q. The usage of the word "no ID" in the</p> <p>7 latent print unit where you worked for two</p> <p>8 decades.</p> <p>9 MS. CANONIE: Objection; form,</p> <p>10 foundation, calls for speculation, incomplete</p> <p>11 hypothetical.</p> <p>12 BY MS. TARABISHY:</p> <p>13 Q. You can answer.</p> <p>14 A. No, the word -- no I -- the word "no</p> <p>15 ID," that wasn't -- that's not a term that</p> <p>16 while I was a latent print examiner, that we</p> <p>17 used.</p> <p>18 Q. An ID means an identification;</p> <p>19 correct?</p> <p>20 MS. CANONIE: Objection; form,</p> <p>21 foundation, mischaracterizes previous</p> <p>22 testimony.</p> <p>23 THE WITNESS: "No ID" is not a term</p> <p>24 that we would write or use.</p>

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45 (177 to 180)

<p style="text-align: right;">177</p> <p>1 BY MS. TARABISHY:</p> <p>2 Q. And my question was: When you used</p> <p>3 the word "ID," do you mean an identification?</p> <p>4 MS. CANONIE: Objection; form,</p> <p>5 mischaracterizes previous testimony, calls for</p> <p>6 speculation.</p> <p>7 THE WITNESS: We wouldn't use the word</p> <p>8 "ID" by itself.</p> <p>9 BY MS. TARABISHY:</p> <p>10 Q. Next to the "no ID" in parentheses it</p> <p>11 says [as read]:</p> <p>12 "One good. Not for AFIS."</p> <p>13 What do you interpret this to mean,</p> <p>14 based on your experience?</p> <p>15 MS. CANONIE: Objection; form,</p> <p>16 foundation, asked and answered, calls for</p> <p>17 speculation.</p> <p>18 THE WITNESS: Without them referring</p> <p>19 to anything in particular, I can't say what</p> <p>20 you mean.</p> <p>21 BY MS. TARABISHY:</p> <p>22 Q. What do you mean by "anything in</p> <p>23 particular"?</p> <p>24 Wouldn't they be referring to the</p>	<p style="text-align: right;">179</p> <p>1 20763.</p> <p>2 BY MS. TARABISHY:</p> <p>3 Q. Do you see in the left portion under</p> <p>4 the line where it says "9 NEGS"?</p> <p>5 A. The left portion, 9 -- yes, I see</p> <p>6 that.</p> <p>7 Q. What do you interpret "9 NEGS" to mean</p> <p>8 based on your experience?</p> <p>9 MS. CANONIE: Objection; form,</p> <p>10 foundation, calls for speculation.</p> <p>11 THE WITNESS: Well, I can't -- I don't</p> <p>12 know what they might be indicating there.</p> <p>13 BY MS. TARABISHY:</p> <p>14 Q. Is this a case jacket that you looked</p> <p>15 at when you initially received the assignment</p> <p>16 to work on the Charles Johnson case by</p> <p>17 Mr. Simon?</p> <p>18 A. I was -- this would have been included</p> <p>19 with the other jacket. So, yes, I would have</p> <p>20 seen it, yes.</p> <p>21 Q. And if I'm understanding your</p> <p>22 testimony today, when you looked at the word</p> <p>23 "9 NEGS," you just didn't know what it meant?</p> <p>24 MS. CANONIE: Objection; form,</p>
<p style="text-align: right;">178</p> <p>1 latent prints included in this jacket?</p> <p>2 MS. CANONIE: Objection; form, calls</p> <p>3 for speculation.</p> <p>4 THE WITNESS: That -- I don't know</p> <p>5 that. I couldn't say.</p> <p>6 BY MS. TARABISHY:</p> <p>7 Q. Next to that it says [as read]:</p> <p>8 "Five not suitable."</p> <p>9 What do you interpret this to mean</p> <p>10 based on your identifi- -- based on your</p> <p>11 experience.</p> <p>12 MS. CANONIE: Objection; form,</p> <p>13 foundation, calls for speculation.</p> <p>14 THE WITNESS: With it not referring to</p> <p>15 anything in particular, I couldn't say.</p> <p>16 BY MS. TARABISHY:</p> <p>17 Q. Would it mean there are five prints</p> <p>18 that are not suitable for comparison?</p> <p>19 MS. CANONIE: Objection; form, calls</p> <p>20 for speculation, asked and answered.</p> <p>21 THE WITNESS: Again, by itself I</p> <p>22 couldn't say what they're talking about.</p> <p>23 MS. TARABISHY: Let's go to page 7 of</p> <p>24 the PDF, please. That's Bates Number City</p>	<p style="text-align: right;">180</p> <p>1 mischaracterizes previous testimony.</p> <p>2 THE WITNESS: Well, we --</p> <p>3 MS. CANONIE: -- also speculation.</p> <p>4 THE WITNESS: We -- our -- our job</p> <p>5 wasn't at that time to necessarily read all</p> <p>6 the stuff that was on the jacket. We were</p> <p>7 just doing what was in the court order.</p> <p>8 BY MS. TARABISHY:</p> <p>9 Q. Right. And my question was:</p> <p>10 When -- as part of the work that you did</p> <p>11 pursuant to the court order, you looked at the</p> <p>12 case jacket. You were saying that you did not</p> <p>13 understand what "9 NEGS" meant. This is my</p> <p>14 question: Do you understand what "9 NEGS"</p> <p>15 means?</p> <p>16 MS. CANONIE: And that was compound.</p> <p>17 Can you ask your exact -- your question again?</p> <p>18 BY MS. TARABISHY:</p> <p>19 Q. Yes. My question is: Do you</p> <p>20 understand what "9 NEGS" means?</p> <p>21 MS. CANONIE: Objection; asked and</p> <p>22 answered, calls for spec- -- form, and calls</p> <p>23 for speculation.</p> <p>24 THE WITNESS: Well, we didn't have to</p>

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181	<p>1 understand what it meant, because we weren't</p> <p>2 reviewing what the other examiners did. So we</p> <p>3 would have noted -- we would have observed</p> <p>4 what they wrote on the jacket, but it really</p> <p>5 didn't matter. So I really wouldn't have to</p> <p>6 understand or look into what "9 NEGS" meant.</p> <p>7 So I don't know what it meant.</p> <p>8 BY MS. TARABISHY:</p> <p>9 Q. And as you sit here today, what is</p> <p>10 your understanding of what "9 NEGS" means?</p> <p>11 MS. CANONIE: Objection; form, asked</p> <p>12 and answered.</p> <p>13 THE WITNESS: On this case jacket, I</p> <p>14 don't know what it means.</p> <p>15 BY MS. TARABISHY:</p> <p>16 Q. And what about in the profession of</p> <p>17 latent print examination, what would the word</p> <p>18 "NEG" be shorthand for?</p> <p>19 MS. CANONIE: Objection; form, calls</p> <p>20 for speculation, asked and answered.</p> <p>21 THE WITNESS: That information by</p> <p>22 itself, I don't know. It can mean a lot of</p> <p>23 things, so I can't say.</p> <p>24</p>	183	<p>1 THE WITNESS: Correct.</p> <p>2 BY MS. TARABISHY:</p> <p>3 Q. So can you list those different things</p> <p>4 for me?</p> <p>5 A. No.</p> <p>6 Q. So it is your testimony today under</p> <p>7 oath Mr. Malone that you do not know what</p> <p>8 "NEGS" means in your decades of experience at</p> <p>9 the latent print unit? Am I understanding</p> <p>10 that --</p> <p>11 MS. CANONIE: Objection --</p> <p>12 BY MS. TARABISHY:</p> <p>13 Q. -- correctly?</p> <p>14 MS. CANONIE: Objection; form, asked</p> <p>15 and answered. He's already said he -- you</p> <p>16 need -- "NEGS" could mean -- he</p> <p>17 doesn't -- there's no context.</p> <p>18 MS. TARABISHY: I'm sorry, Carson. I</p> <p>19 got your objection, now it's time for</p> <p>20 Mr. Malone to please answer.</p> <p>21 MS. CANONIE: Calls for speculation.</p> <p>22 THE WITNESS: No. I do not know what</p> <p>23 "NEGS" means.</p> <p>24 MS. TARABISHY: You can take down the</p>
182	<p>1 BY MS. TARABISHY:</p> <p>2 Q. A lot of things like what?</p> <p>3 A. I wouldn't speculate.</p> <p>4 Q. I'm not asking you to speculate. You</p> <p>5 just said it could mean a lot of things in</p> <p>6 your profession. So a lot of things like</p> <p>7 what? Can you list --</p> <p>8 A. My --</p> <p>9 (Indiscernible simultaneous</p> <p>10 colloquy.)</p> <p>11 THE COURT REPORTER: I'm sorry.</p> <p>12 THE WITNESS: -- could mean anything.</p> <p>13 THE COURT REPORTER: I'm sorry. Can</p> <p>14 you repeat that? I didn't get the beginning.</p> <p>15 THE WITNESS: Me or her?</p> <p>16 THE COURT REPORTER: You, Mr. Malone.</p> <p>17 My apologies.</p> <p>18 THE WITNESS: Yes. I don't know what</p> <p>19 "NEGS" might mean.</p> <p>20 BY MS. TARABISHY:</p> <p>21 Q. You said it could mean a lot of</p> <p>22 different things; correct?</p> <p>23 MS. CANONIE: Objection;</p> <p>24 mischaracterizes previous testimony.</p>	184	<p>1 exhibit. Thank you.</p> <p>2 BY MS. TARABISHY:</p> <p>3 Q. Do you stand by the work that you and</p> <p>4 Mr. Calvo did in this case?</p> <p>5 MS. CANONIE: Objection; form.</p> <p>6 THE WITNESS: Yes.</p> <p>7 BY MS. TARABISHY:</p> <p>8 Q. Do you have a reasonable degree of</p> <p>9 confidence in the identifications that you and</p> <p>10 Mr. Calvo did in this case?</p> <p>11 MS. BARBER: Those are asked -- those</p> <p>12 questions are asked and answered.</p> <p>13 BY MS. TARABISHY:</p> <p>14 Q. You said, "yes"?</p> <p>15 A. Yes.</p> <p>16 Q. Based on your review of the documents</p> <p>17 and latent print evidence in this case, there</p> <p>18 was no indication that Charles Johnson, Larod</p> <p>19 Styles, Lashawn Ezell or Troshawn McCoy were</p> <p>20 matched to any of the latent prints recovered</p> <p>21 from the crime scene in this case; correct?</p> <p>22 MS. CANONIE: Objection; form,</p> <p>23 foundation, calls for speculation,</p> <p>24 mischaracterizes previous testimony.</p>

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<p style="text-align: right;">185</p> <p>1 THE WITNESS: I'm sorry. Repeat that</p> <p>2 part again, that last question.</p> <p>3 MS. TARABISHY: Can you read the</p> <p>4 question back?</p> <p>5 THE COURT REPORTER: Okay. I might</p> <p>6 have butchered some of the names, but please</p> <p>7 stand by.</p> <p>8 (The requested testimony</p> <p>9 was read back.)</p> <p>10 MS. CANONIE: Did you get my</p> <p>11 objection?</p> <p>12 THE COURT REPORTER: I did get the</p> <p>13 objection, correct.</p> <p>14 MS. BARBER: I'm just going to object</p> <p>15 also that it's vague as to what you're</p> <p>16 referring to, what documents, what it asks,</p> <p>17 et cetera.</p> <p>18 BY MS. TARABISHY:</p> <p>19 Q. You can answer, Mr. Malone?</p> <p>20 A. Yeah, I don't recall.</p> <p>21 Q. You don't recall seeing any</p> <p>22 documentation indicating that there was a</p> <p>23 fingerprint match to Charles Johnson, Larod</p> <p>24 Styles, Lashawn Ezell or Troshawn McCoy;</p>	<p style="text-align: right;">187</p> <p>1 BY MS. CANONIE:</p> <p>2 Q. I believe -- scratch that.</p> <p>3 Earlier you testified this document</p> <p>4 was a -- addendum to that previous report; is</p> <p>5 that correct?</p> <p>6 A. Yes.</p> <p>7 Q. And these two reports summarize or</p> <p>8 indicate -- summarizes the work you did on</p> <p>9 this case; is that correct?</p> <p>10 A. Yes.</p> <p>11 Q. Any work that you did on this case</p> <p>12 would be summarized here?</p> <p>13 MS. ROCHE: Objection; form.</p> <p>14 BY MS. CANONIE:</p> <p>15 Q. You also testified earlier that the</p> <p>16 work you did on this case was pursuant to a</p> <p>17 court order that we looked at extensively</p> <p>18 today; is that correct?</p> <p>19 A. Yes.</p> <p>20 Q. So is it fair to say any work</p> <p>21 summarized, or any work -- strike that.</p> <p>22 So any work you did was according to</p> <p>23 the direction of the court order?</p> <p>24 MS. TARABISHY: Objection; form.</p>
<p style="text-align: right;">186</p> <p>1 correct?</p> <p>2 MS. CANONIE: Objection; form,</p> <p>3 mischaracterizes previous testimony.</p> <p>4 THE WITNESS: Not without reviewing</p> <p>5 any documents.</p> <p>6 MS. TARABISHY: I have no more</p> <p>7 questions for you, Mr. Malone. Does any of</p> <p>8 the other attorneys have questions?</p> <p>9 MS. CANONIE: I do. I don't know if</p> <p>10 plaintiffs do.</p> <p>11 MS. ROCHE: None for Ezell.</p> <p>12 MR. NEULEIB: No questions for McCoy.</p> <p>13 MS. CHOI: None from Alesia.</p> <p>14 MR. MAIONE: None from Styles.</p> <p>15 MS. CANONIE: Okay. Can you pull up</p> <p>16 Exhibit 214, please?</p> <p>17 THE TECHNICIAN: One moment.</p> <p>18 EXAMINATION</p> <p>19 BY MS. CANONIE:</p> <p>20 Q. Mr. Malone, earlier you testified</p> <p>21 regarding this document. Is this your report?</p> <p>22 A. Yes.</p> <p>23 MS. CANONIE: Can you pull up 216,</p> <p>24 please?</p>	<p style="text-align: right;">188</p> <p>1 THE WITNESS: Yes.</p> <p>2 BY MS. CANONIE:</p> <p>3 Q. Okay. Earlier today Ms. Tarabishy</p> <p>4 asked you about doing an analysis of the other</p> <p>5 latent print for which Mr. Moses did not</p> <p>6 have -- or did not send a tracing of.</p> <p>7 Do you recall that testimony?</p> <p>8 A. Yes.</p> <p>9 Q. Based -- or you indicated that</p> <p>10 you -- scratch that.</p> <p>11 Did she also ask you -- or scratch</p> <p>12 that.</p> <p>13 Do you recall what you did, if</p> <p>14 anything, with the other prints that did not</p> <p>15 have a tracing?</p> <p>16 MS. TARABISHY: Objection; form.</p> <p>17 THE WITNESS: No.</p> <p>18 BY MS. CANONIE:</p> <p>19 Q. You don't recall what you did or</p> <p>20 didn't do or --</p> <p>21 A. I don't recall what I did or didn't</p> <p>22 do.</p> <p>23 Q. And anything you would have done with</p> <p>24 those prints -- or that did not have a</p>

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<div>1 tracing, would you have recorded it in your</div> <div>2 report?</div> <div>3 MS. TARABISHY: Objection; form.</div> <div>4 THE WITNESS: Yes.</div> <div>5 BY MS. CANONIE:</div> <div>6 Q. Would you have done any additional</div> <div>7 analysis that was not set forth in the court</div> <div>8 order we looked at today?</div> <div>9 MS. TARABISHY: Objection; form.</div> <div>10 THE COURT REPORTER: I'm sorry. Can</div> <div>11 you repeat that, Mr. Malone? I didn't get the</div> <div>12 answer.</div> <div>13 THE WITNESS: No, I would have not.</div> <div>14 No, I would have not.</div> <div>15 MS. CANONIE: Okay. That is all my</div> <div>16 questions.</div> <div>17 MS. TARABISHY: I have no further</div> <div>18 questions.</div> <div>19 MS. BARBER: I don't think I put it on</div> <div>20 the record earlier, but I don't have any</div> <div>21 questions.</div> <div>22 MS. TARABISHY: Thank you for your</div> <div>23 time, Mr. Malone.</div> <div>24 THE VIDEOGRAPHER: If there are no</div>	<div>1 STATE OF ILLINOIS)</div> <div>2) SS:</div> <div>3 COUNTY OF C O O K)</div> <div>4 I, ANGELA C. LOISI, CSR, RPR, FCRR, an</div> <div>5 Officer of the Court, do hereby certify that</div> <div>6 heretofore, to wit, on November 9, 2021,</div> <div>7 remotely appeared before me, from Cook</div> <div>8 County, Illinois, MICHAEL MALONE, in a cause</div> <div>9 now pending and undetermined in the United</div> <div>10 States District Court for the Northern</div> <div>11 District of Illinois Eastern Division,</div> <div>12 wherein LASHAWN EZELL, et al., are the</div> <div>13 plaintiffs, and CITY OF CHICAGO, et al., are</div> <div>14 the defendants.</div> <div>15 I further certify that the said witness</div> <div>16 was first duly sworn to testify the truth,</div> <div>17 the whole truth and nothing but the truth in</div> <div>18 the cause aforesaid; that the testimony then</div> <div>19 given by said witness was reported</div> <div>20 stenographically by me in the remote</div> <div>21 presence of the said witness, and afterwards</div> <div>22 reduced to digital format by Computer-Aided</div> <div>23 Transcription, and the foregoing is a true</div> <div>24 and correct transcript of the testimony so</div>
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<div>1 further questions, this marks the end of the</div> <div>2 deposition of Michael Malone. We are going</div> <div>3 off the record at 2:18.</div> <div>4 THE COURT REPORTER: And would anyone</div> <div>5 like to order the transcript?</div> <div>6 MS. TARABISHY: Yeah, we'll order one.</div> <div>7 MS. CANONIE: We'll order it as well.</div> <div>8 * * * FURTHER DEPONENT SAITH NOT * * *</div> <div>9</div> <div>10</div> <div>11</div> <div>12</div> <div>13</div> <div>14</div> <div>15</div> <div>16</div> <div>17</div> <div>18</div> <div>19</div> <div>20</div> <div>21</div> <div>22</div> <div>23</div> <div>24</div>	<div>1 given by said witness as aforesaid.</div> <div>2 I further certify that the signature to</div> <div>3 the foregoing deposition was not requestd</div> <div>4 for the respective parties.</div> <div>5 I further certify that the taking of</div> <div>6 this deposition was pursuant to notice, and</div> <div>7 that remotely present at the deposition were</div> <div>8 the attorneys hereinbefore mentioned.</div> <div>9 I further certify that I am not counsel</div> <div>10 for nor in any way related to the parties to</div> <div>11 this suit, nor am I in any way interested in</div> <div>12 the outcome thereof.</div> <div>13 IN TESTIMONY WHEREOF: I have hereunto</div> <div>14 set my verified digital signature this</div> <div>15 November 9, 2021.</div> <div>16</div> <div>17</div> <div>18</div> <div>19</div> <div>20 <i>Angela C. Loisi</i></div> <div>21 _____</div> <div>22 Angela C. Loisi, CSR, RPR, FCRR</div> <div>23</div> <div>24</div>

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